



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की

खण्ड-24] रुड़की, शनिवार, दिनांक 26 अगस्त, 2023 ई0 (भाद्रपद 04, 1945 शक सम्वत्) [संख्या-34

विषय-सूची

प्रत्येक भाग के पृष्ठ अलग-अलग दिये गए हैं, जिससे उनके अलग-अलग खण्ड बन सकें

विषय	पृष्ठ संख्या	वार्षिक चन्द्रा
सम्पूर्ण गजट का मूल्य	—	रु0 3075
भाग 1—विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस	669-675	1600
भाग 1-क—नियम, कार्य विधियां, आज्ञाएं, विज्ञप्तियां इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया	327-395	1500
भाग 2—आज्ञाएं, विज्ञप्तियां, नियम और नियम विधान, जिनको केन्द्रीय सरकार और अन्य राज्यों की सरकारों ने जारी किया, हाई कोर्ट की विज्ञप्तियां, भारत सरकार के गजट और दूसरे राज्यों के गजटों के उद्धरण	—	975
भाग 3—स्वायत्त शासन विभाग का क्रौड़-पत्र, नगर प्रशासन, नोटीफाइड एरिया, टाउन एरिया एवं निर्वाचन (स्थानीय निकाय) तथा पंचायतीराज आदि के निदेश जिनमें विभिन्न आयुक्तों अथवा जिलाधिकारियों ने जारी किया	—	975
भाग 4—निदेशक, शिक्षा विभाग, उत्तराखण्ड	—	975
भाग 5—एकाउन्टेन्ट जनरल, उत्तराखण्ड	—	975
भाग 6—बिल, जो भारतीय संसद में प्रस्तुत किए गए या प्रस्तुत किए जाने से पहले प्रकाशित किए गए तथा सिलेक्ट कमेटियों की रिपोर्ट	—	975
भाग 7—इलेक्शन कमीशन ऑफ इण्डिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां	—	975
भाग 8—सूचना एवं अन्य वैयक्तिक विज्ञापन आदि	25-39	975
स्टोर्स पर्वेज—स्टोर्स पर्वेज विभाग का क्रौड़-पत्र आदि	—	975
		1425

भाग 1

विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस

गृह अनुभाग-1

कार्यालय ज्ञाप

20 जुलाई, 2023 ई०

ई-पत्रावली संख्या: 16753-पुलिस महानिरीक्षक मुख्यालय/कार्मिक पुलिस मुख्यालय उत्तराखण्ड के पत्र संख्या: डी०जी०-एक-03-2002(2) दिनांक 14.07.2023 के क्रम में सम्यक विचारोपरान्त श्री अशोक कुमार, (आई०पी०एस०-आर०आर०-1989) पुलिस महानिदेशक, उत्तराखण्ड को अधिवर्धता आयु पूर्ण करने पर दिनांक 30.11.2023 के अपरान्त से सेवानिवृत्त किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

आज्ञा से,

राधा रतूड़ी,

अपर मुख्य सचिव।

सचिवालय प्रशासन (अधि०) अनुभाग-1

प्रोन्नति/विज्ञप्ति

31 जुलाई, 2023 ई०

संख्या 1172/XXXI(1)/2023/पदो०-01/2020-उत्तराखण्ड सचिवालय सेवा संवर्ग के अन्तर्गत अनुभाग अधिकारी के पद पर कार्यरत श्री रमेश सिंह रावत, को नियमित चयनोपरान्त अनु सचिव, वेतनमान- ₹ 67700-268700 (लेवल-11) के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

2- उक्त पदोन्नति के फलस्वरूप श्री रमेश सिंह रावत, अनुसचिव को 01 वर्ष की विहित परीक्षा पर रखा जाता है।

3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका संख्या 394 (एस०बी०)/2021 एवं रिट याचिका संख्या 221/2018 में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।

4- अनुसचिव के पद पर पदोन्नत होने वाले उक्त अधिकारी की तैनाती आदेश पृथक से निर्गत किये जाएंगे।

प्रोन्नति/विज्ञप्ति

01 अगस्त, 2023 ई०

संख्या 1175/XXXI(1)/2023/पदो०-01/2020-उत्तराखण्ड सचिवालय सेवा संवर्ग के अन्तर्गत सचिव के पद पर कार्यरत श्री देवेन्द्र सिंह, को नियमित चयनोपरान्त संयुक्त सचिव, वेतनमान लेवल-13 के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

2- उक्त पदोन्नति के फलस्वरूप श्री देवेन्द्र सिंह, संयुक्त सचिव को 06 माह की विहित परीक्षा पर रखा जाता है।

3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका संख्या 394 (एस०बी०)/2021 एवं रिट याचिका संख्या 221/2018 में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।

4- संयुक्त सचिव के पद पर पदोन्नत होने वाले उक्त अधिकारी की तैनाती आदेश पृथक से निर्गत किये जाएंगे।

प्रोन्नति/विज्ञप्ति

01 अगस्त, 2023 ई०

संख्या 1178/XXXI(1)/2023/पदो०-01/2020-उत्तराखण्ड सचिवालय सेवा संवर्ग के अन्तर्गत अनु सचिव के पद पर कार्यरत श्री पूरन गिरी, को नियमित चयनोपरान्त उप सचिव, वेतनमान- ₹78800-209200 (लेवल-12) के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

- 2- उक्त पदोन्नति के फलस्वरूप श्री पूरन गिरी, उप सचिव को 01 वर्ष की विहित परीक्षा पर रखा जाता है।
- 3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका संख्या 394 (एस०बी०)/2021 एवं रिट याचिका संख्या 221/2018 में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।
- 4- उपसचिव के पद पर पदोन्नत होने वाले उक्त अधिकारी की तैनाती आदेश पृथक से निर्गत किये जाएंगे।

प्रोन्नति/विज्ञप्ति

01 अगस्त, 2023 ई०

संख्या 1177/XXXI(1)/2023/पदो०-01/2020-उत्तराखण्ड सचिवालय सेवा संवर्ग के अन्तर्गत अनुभाग अधिकारी के पद पर कार्यरत श्री हरदयाल बुझाकोटी, को नियमित चयनोपरान्त अनु सचिव, वेतनमान- 67700-208700 (लेवल-11) के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

- 2- उक्त पदोन्नति के फलस्वरूप श्री हरदयाल बुझाकोटी, अनुसचिव को 01 वर्ष की विहित परीक्षा पर रखा जाता है।
- 3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका संख्या 394 (एस०बी०)/2021 एवं रिट याचिका संख्या 221/2018 में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।
- 4- अनुसचिव के पद पर पदोन्नत होने वाले उक्त अधिकारी की तैनाती आदेश पृथक से निर्गत किये जाएंगे।

प्रोन्नति/विज्ञप्ति

03 अगस्त, 2023 ई०

संख्या 1189/XXXI(1)/2023/पदो०-01/2021-उत्तराखण्ड सचिवालय संवर्ग के अन्तर्गत समीक्षा अधिकारी के पद पर कार्यरत श्री चित्रेश कुमार मित्तल को नियमित चयनोपरान्त अनुभाग अधिकारी, वेतनमान- ₹ 56100-177,500 (लेवल-10) के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

- 2- उक्त पदोन्नति के फलस्वरूप श्री चित्रेश कुमार मित्तल, अनुभाग अधिकारी को 01 वर्ष की विहित परीक्षा पर रखा जाता है।
- 3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में योजित रिट याचिका संख्या 394 (एस०बी०)/2021 जलित मोहन आर्य व अन्य बनाम उत्तराखण्ड राज्य व अन्य में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।
- 4- उक्त पदोन्नति के फलस्वरूप श्री चित्रेश कुमार मित्तल, अनुभाग अधिकारी को अल्पसंख्यक कल्याण अनुभाग में तैनात किया जाता है।
- 5- श्री चित्रेश कुमार मित्तल अनुभाग अधिकारी को निर्देशित किया जाता है कि वे तत्काल पदोन्नति के पद पर तथा तैनाती के अनुभाग में कार्यभार ग्रहण करते हुए सचिवालय प्रशासन (अधि०) अनुभाग-01 को अवगत कराना सुनिश्चित करें।

प्रोन्नति/विज्ञप्ति

03 अगस्त, 2023 ई०

संख्या 1190/XXXI(1)/2023/पदो-01/2021-उत्तराखण्ड सचिवालय संवर्ग के अन्तर्गत समीक्षा अधिकारी के पद पर कार्यरत श्री जोगिन्द्र सिंह को नियमित चयनोपरान्त अनुभाग अधिकारी, वेतनमान-₹ 56100-177,500 (लेवल-10) के रिक्त पद पर कार्यभार ग्रहण किये जाने की तिथि से अस्थाई रूप से पदोन्नत करने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

2- उक्त पदोन्नति के फलस्वरूप श्री जोगिन्द्र सिंह, अनुभाग अधिकारी को 01 वर्ष की विहित परीक्षा पर रखा जाता है।

3- उक्त प्रोन्नति मा० उच्च न्यायालय, नैनीताल में थोड़ित रिट याचिका संख्या 394 (एस०बी०)/2021 ललित मोहन आर्य व अन्य बनाम उत्तराखण्ड राज्य व अन्य में पारित होने वाले अंतिम निर्णय के अधीन रहेगी।

4- उक्त पदोन्नति के फलस्वरूप श्री जोगिन्द्र सिंह, अनुभाग अधिकारी को सूक्ष्म, लघु एवं मध्यम उद्यम अनुभाग में तैनात किया जाता है।

5- श्री जोगिन्द्र सिंह, अनुभाग अधिकारी को निर्देशित किया जाता है कि वे तत्काल पदोन्नति के पद पर तथा तैनाती के अनुभाग में कार्यभार ग्रहण करते हुए सचिवालय प्रशासन (अधि०) अनुभाग-01 को अवगत कराना सुनिश्चित करें।

आज्ञा से,
राधा रतूड़ी,
अपर मुख्य सचिव।

शहरी विकास अनुभाग-03अधिसूचना

28 जुलाई, 2023 ई०

संख्या 1363/IV(3)/2023-57(सा०)2008-उत्तराखण्ड राज्य स्थित नगर निगम रुड़की, जनपद-हरिद्वार के महापौर, श्री गौरव गोयल के त्याग-पत्र दिनांक 28.07.2023 दिये जाने के क्रम में उत्तर प्रदेश नगर निगम अधिनियम, 1959 (उत्तराखण्ड में यथाप्रवृत्त) की धारा-19 के प्राविधानों के तहत उक्त त्याग-पत्र को तत्काल प्रभाव से स्वीकार करते हुये, उत्तर प्रदेश नगर निगम अधिनियम, 1959 (उत्तराखण्ड में यथाप्रवृत्त) की धारा-50(3) के प्राविधानों के तहत नगर निगम रुड़की के महापौर/नगर प्रमुख पद को एतद्वारा रिक्त घोषित किया जाता है।

रमेश कुमार सुधांशु,
प्रमुख सचिव।

वित्त अनुभाग-8विज्ञप्ति/पदोन्नति

14 जुलाई, 2023 ई०

संख्या 138301/2023/45(100)/XXVII(8)/2005-उत्तराखण्ड प्रान्तीय राजस्व सेवा (कर), नियमावली, 2018 के अधीन राज्य कर विभाग, उत्तराखण्ड में कार्यरत निम्नलिखित संयुक्त आयुक्त, राज्य कर विभाग को विभागीय चयन समिति की संस्तुति के क्रम में अपर आयुक्त, राज्य कर, वेतन मैट्रिक्स लेवल 13'क' वेतनमान रु० 131100-216600 के रिक्त पदों के सापेक्ष कार्यभार ग्रहण करने की तिथि से पदोन्नत किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं:-

क्र0सं0	अधिकारी का नाम
1	श्री राकेश वर्मा
2	श्री धीरेन्द्र सिंह नबियाल
3	श्री पान सिंह ढुंगरियाल

02-- उक्त पदोन्नत अधिकारी योगदान ग्रहण किये जाने की तिथि से 02 वर्ष की परीक्षा अवधि के अधीन रहेंगे।

03-- उक्त पदोन्नत अधिकारियों को निर्देशित किया जाता है कि वे अपर आयुक्त के रिक्त पदों के सापेक्ष तत्काल राज्य कर मुख्यालय में योगदान प्रस्तुत करते हुए योगदान आख्या शासन को उपलब्ध कराया जाना सुनिश्चित करें।

04-- उपरोक्त पदोन्नत अधिकारियों का अपर आयुक्त के पद के विपरित वेतन आय-व्ययक के ग्लोबल बजट सिस्टम के माध्यम से भुगतान किया जाना सुनिश्चित किया जायेगा।

05-- उक्त पदोन्नत अधिकारियों के तैनाती आदेश पृथक से जारी किये जाएंगे।

विज्ञप्ति / पदोन्नति

14 जुलाई, 2023 ई0

संख्या 138302 / 2023/13(100)/XXVII(8)/2001-उत्तराखण्ड प्रान्तीय राजस्व सेवा (कर), नियमावली, 2016 के अधीन राज्य कर विभाग, उत्तराखण्ड में कार्यरत निम्नलिखित उपायुक्त, राज्य कर विभाग को विभागीय चयन समिति की संस्तुति के क्रम में संयुक्त आयुक्त, राज्य कर, वेतन मैट्रिक्स लेवल '12' रु0 78800-208200 के रिक्त पदों के सापेक्ष कार्यभार ग्रहण करने की तिथि से पदोन्नत किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं:-

क्र0सं0	अधिकारी का नाम
1	श्री रोशन लाल
2	श्रीमती रिमला
3	श्री श्याम सिंह तिरुवा

02-- उक्त पदोन्नत अधिकारी योगदान ग्रहण किये जाने की तिथि से 02 वर्ष की परीक्षा अवधि के अधीन रहेंगे।

03-- उक्त पदोन्नत अधिकारियों को निर्देशित किया जाता है कि वे संयुक्त आयुक्त के रिक्त पदों के सापेक्ष राज्य कर मुख्यालय पर तत्काल योगदान प्रस्तुत करते हुए योगदान आख्या शासन को प्रेषित करना सुनिश्चित करें।

04-- उपरोक्त पदोन्नत अधिकारियों का संयुक्त आयुक्त के पद के विपरित वेतन आय-व्ययक के ग्लोबल बजट सिस्टम के माध्यम से भुगतान किया जाना सुनिश्चित किया जायेगा।

05-- उक्त पदोन्नत अधिकारियों के तैनाती आदेश पृथक से जारी किये जाएंगे।

अधिसूचना / स्थानान्तरण

14 जुलाई, 2023 ई0

संख्या 138307 / 2022/04(100)/XXVII(8)/2019-उत्तराखण्ड लोक सेवकों के लिए वार्षिक स्थानान्तरण अधिनियम, 2017 की धारा-27 के अन्तर्गत गठित समिति द्वारा लिये गये निर्णय/संस्तुति के क्रम में एवं आयुक्त राज्य कर, उत्तराखण्ड देहरादून के पत्रांक-2141/आयु0रा0क0उत्तरा0/स्था0अनु0/रा0कर/2023-24/देहरादून, दि0 5.07.2023 के प्रस्तावानुक्रम में राज्य कर विभाग, उत्तराखण्ड के अन्तर्गत निम्नलिखित उपायुक्त(श्रेणी-क) को उनके नाम के सम्मुख कॉलम-4 में अंकित कार्यालय/स्थान पर तैनात किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं:-

उपायुक्त

क्र०	अधिकारी का नाम	वर्तमान तैनाती	प्रस्तावित नवीन तैनाती	अभ्युक्ति
1	2	3	4	5
1.	Noclam Dhyari	Commissioner State Tax (HQ)	DC (Internal Review) Dehradun	स्थानान्तरण अधिनियम की धारा-27 में प्राप्त विचलन के आधार पर
2.	Abhay Kumar Pandey	DC (Audit) Roorkee	DC (Audit) Kashipur	उक्तानुसार
3.	Manoosha Saini	DC-5, Rajpur Road, Dehradun	DC (Internal Review) Haridwar	उक्तानुसार
4.	Gulrej Razvi	DC (Internal Review) Haridwar	DC, Rishikesh	उक्तानुसार
5.	Hera Lata Shukla	DC (Audit) Kashipur	DC (SIB/Enf) Haldwani	उक्तानुसार
6.	Mohita Bhandari	DC-2, Kashipur Road, Rudrapur	DC (Internal Review) Haldwani	उक्तानुसार
7.	Shiv Shankar Yadav	DC (Risk Management and Data Analysis) Dehradun	DC-2, Kamkhal, Haridwar	उक्तानुसार
8.	Prem Prakash Shukla	DC-3, Bhagwanpur, Roorkee	DC-5, Rajpur Road, Dehradun	उक्तानुसार
9.	Anjali Qusein	DC (Internal Review) Dehradun	DC (Audit) Roorkee	उक्तानुसार
10.	MohdIshak Khan	DC (Internal Review) Haldwani	DC (Audit) Rudrapur	उक्तानुसार
11.	Veer Singh	DC-3, Laksar, Haridwar	DC, Khatima	उक्तानुसार
12.	Shivendra Pratap Singh	DC (Audit) Rudrapur	DC-2, Kaladhungi Road, Haldwani	उक्तानुसार
13.	Shashi Kant Arva	DC-2, Kaladhungi Road, Haldwani	DC-2, Kashipur Road, Rudrapur	उक्तानुसार

02- उपरोक्त अधिकारियों को निर्देशित किया जाता है कि वे अपनी नवीन तैनाती के स्थान पर तत्काल योगदान देते हुए योगदान आख्या शासन/आयुक्त राज्य कर, उत्तराखण्ड को उपलब्ध कराया जाना सुनिश्चित करें।

आज्ञा से,
दिलीप जावलकर,
सचिव।

राजस्व अनुभाग-3अधिसूचना

11 अगस्त, 2023 ई0

संख्या 541/XVIII(3)/2023-12(02)/2011-राज्यपाल, उत्तर प्रदेश भू-राजस्व अधिनियम, 1981 (उत्तर प्रदेश अधिनियम संख्या 3, वर्ष 1981) (उत्तराखण्ड राज्य में यथा प्रवृत्त) की धारा 48 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करते हैं कि इस अधिसूचना के गजट में प्रकाशन की तिथि से नीचे दी गई अनुसूची में उल्लिखित ग्राम सर्वेक्षण एवं अभिलेख क्रियाओं के अधीन होंगे:-

अनुसूची

जनपद	तहसील	ग्राम का नाम	कुल भूमि (है0)
नैनीताल	रामनगर	नया झिरना	127.324 है0

आज्ञा से,
सचिन कुर्वे,
सचिव, राजस्व।

In pursuance of the provision of clause (3) of the Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification No.541/XVIII(3)/2023-12(02)/2011 dated- August 11, 2023 for general information.

NOTIFICATION

August 11, 2023

No.541/XVIII(3)/2023-12(02)/2011—In exercise of the powers conferred by Section 48 of the Uttar Pradesh Land Revenue Act, 1901 (U.P. Act.No. 3 of 1901) (as applicable to the State of Uttarakhand), the Governor is pleased to declare that the village mentioned in the Schedule below shall be under Survey and Record Operations with effect from the date of publication of the notification in the official Gazette:-

Schedule

District	Tehsil	Name of Village	Total Land (in Hectare)
1	2	3	4
Nainital	Ramnagar	New Jhirna	127.324 ha.

By Order,

SACHIN KURVE,

Secretary, Revenue.

विधान सभा सचिवालय

उत्तराखण्ड

(अधिष्ठान अनुभाग)

विज्ञप्ति

09 अगस्त, 2023 ई०

संख्या 254/वि०स०/०९/अधि०/2000—माननीय अध्यक्ष, विधान सभा उत्तराखण्ड के आदेशानुसार श्री शहन्शाह मुहम्मद दिलवर दानिश को सचिव, विधायी एवं संसदीय कार्य विभाग, उत्तराखण्ड शासन के उनके उत्तरदायित्वों के साथ-साथ, सचिव, विधान सभा का अतिरिक्त कार्यभार मा० उच्च न्यायालय, उत्तराखण्ड नैनीताल से प्राप्त सद्यः के क्रम में आगामी आदेशों तक सौंपा जाता है।

मा० अध्यक्ष की आज्ञा से

एवं उनकी ओर से

ह०/-

चन्द्र मोहन गोस्वामी,

संयुक्त सचिव।



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 26 अगस्त, 2023 ई0 (भाद्रपद 04, 1945 शक सम्वत्)

भाग 1-क

नियम, कार्य-विधियां, आज्ञाएं, विज्ञप्तियां इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राज्य परिषद् ने जारी किया

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

July 27, 2023

No. 294/UHC/Admin.A-2/2023--Shri Dharam Singh, Presiding Officer, Labour Court, Kashipur, District Udham Singh Nagar is repatriated, transferred and posted as District & Sessions Judge, Chamoli in the vacant Court.

Above order will come into force with immediate effect.

Note:

(A) Recommendation for the name of Shri Shamsher Ali, Additional Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun is being sent to the State Government for his posting as Presiding Officer, Labour Court, Kashipur, District Udham Singh Nagar vice Shri Dharam Singh.

By Order of the Court,

Sd/-

ANUJ KUMAR SANGAL,

Registrar General.

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

August 16, 2023

No. F-9(32)(ii)/RG/UERC/2023/537: In exercise of powers conferred under section 61 read with Section 181 of the Electricity Act, 2003, and all other powers enabling it in this behalf, and after previous publication, the Uttarakhand Electricity Regulatory Commission hereby makes the following amendments in the UERC (Terms and Conditions for Determination of Multi Year Tariff) Regulations, 2021 (Principal Regulations), and subsequent amendment made in the same, namely:

1. Short Title, Commencement and Extent:

- (1) These Regulations may be called the UERC (Terms and Conditions for Determination of Multi Year Tariff) (Second Amendment) Regulations, 2023.
- (2) These Regulations shall come into force from 01st September, 2023.
- (3) These Regulations shall be applicable in the State of Uttarakhand.

2. Amendment of Regulation 83 of the Principal Regulation:

Regulation 83 of the Principal Regulations shall be substituted as follows:

“(83) Fuel and Power Purchase Cost Adjustment (FPPCA):

- (1) *The FPPCA charge shall be applicable on the entire sale of the Distribution Licensee without any exemption to any consumer.*
- (2) *The FPPCA charge shall be computed and charged on the basis of actual variation in fuel and power purchase costs for delivery at the periphery of the distribution licensee relating to power generated from own generation stations and power procured during any month subsequent to such costs being incurred, in accordance with these Regulations, and shall not be computed on the basis of estimated or expected variations in fuel and power purchase costs.*
- (3) *The FPPCA charge for the n^{th} month shall be computed and charged for the month from the subsequent $(n+2)^{\text{th}}$ month itself, without prior approval of the Commission and any under or over recovery shall be carried forward to the next consumption month e.g.:*

The FPPCA charge for the month of June shall be charged for the consumption of August billed in September and any under or over recovery shall be carried forward to be charged alongwith consumption of October billed in November.

Provided also that such carry forward shall be adjusted within the next quarter of the respective quarter of the year. If any amount is still pending to be adjusted under FPPCA after three months period, i.e. at the end of the next quarter of the respective quarter, the licensee shall be eligible to adjust the amount through the regulatory process specified in sub regulation (4) below.

- (4) The Distribution Licensee shall submit the details of the FPPCA incurred and to be charged or refunded to all the consumers for the entire quarter, along with the detailed computations and supporting documents as may be required for verification by the Commission within 45 days of the end of the next quarter for post facto approval of the Commission.
- (5) The Commission shall examine the FPPCA computations and approve the same with modifications, if required before the end of third quarter. Any variation in FPPCA charged or refunded by the Distribution Licensee and FPPCA approved by the Commission will be adjusted in the FPPCA computations of subsequent months as the Commission may determine.
- (6) In case the Distribution Licensee is found guilty of charging unjustified FPPCA charge from the consumers for (3) consecutive months, the Commission shall adjust the unjustified charges along with the interest on the same which shall not be allowed to be pass through. The interest so imposed shall not be allowed to pass through.
- (7) The Distribution Licensee shall upgrade the billing and IT systems to incorporate FPPCA charge as a component in tariff design and the same shall be reflected separately.
- (8) The formula for calculation of the FPPCA shall be as given under:

$$\text{FPPCA (Rs. Crore)} = C + B,$$

Where

FPPCA = Fuel and Power Purchase Cost Adjustment

C = Change in cost of own generation and total power purchase costs (including interstate and intrastate transmission charges) due to the variation in these costs and fuel cost,

B = Adjustment factor for over-recovery / under-recovery for previous month/quarter

$$C (\text{Rs. Crore}) = A_{\text{Gen}} + A_{\text{PP}},$$

Where:

A_{Gen} : Change in fuel cost/generation cost of own generation. This would be computed based on the norms and directives of the Commission, including heat rate, auxiliary consumption, generation and power purchase mix, etc.

A_{PP} : Change in energy charges and power purchase cost of power procured (including inter-state and intra - state transmission charges) from all sources other than own generation. This change would be allowed to the extent it satisfies the criteria prescribed in these Regulations and the prevailing tariff order, and subject to applicable norms. This shall be computed as follows:

Power purchased / Procured during nth month at state periphery (kWh) \times
(actual weighted average rate of power purchases (Rs. / kWh) - approved
weighted average rate of power purchases (Rs. / kWh).

Note

1. Intra - State & Inter-State transmission losses shall be considered as approved in the tariff order.
 2. Penalty imposed due to under draws or over draws or DSM penalty shall not be allowed as part of the FPPCA computation.
- (9) The FPPCA charge for any category shall not exceed 20% of the base Average Billing Rate as approved in the tariff Order for respective category, or such other ceiling as may be stipulated by the Commission from time to time;

Provided that any excess in the FPPCA charge over the above ceiling shall be carried forward by the Distribution Licensee and shall be recovered over such future period as may be directed by the Commission.

- (10) Calculation of FPPCA charge shall be as per the following formula:

Average FPPCA Charge (Rs/kWh) = $(FPPCA / (\text{Estimated sales within the State for the respective month as approved by the Commission in the Tariff Order}) \times 10$.

- (11) Category wise FPPCA Charge (Rs/kWh) shall be calculated as per the following formula.

(Average Billing Rate (ABR) of Consumer Category (in Rs/kWh) as approved in Tariff Order for the year / Average Billing Rate (ABR) of Distribution Licensee (in Rs/kWh) as approved in Tariff Order for the year) \times Average FPPCA (in Rs/kWh).

Provided also that in case the distribution licensee fails to compute and charge fuel and power purchase adjustment surcharge within the time line specified, except in case of any force majeure condition, its right for recovery of costs on account of fuel and power purchase adjustment surcharge shall be forfeited and in such cases, the right to recovery of the fuel and power purchase adjustment surcharge determined during annual true-up exercise shall also be forfeited and the true up of fuel and power purchase adjustment surcharge by the Commission, for any financial Year, shall be carried out alongwith the true up of other costs and revenues based on the audited accounts for the relevant financial year of the distribution licensee.

Provided that the distribution licensee shall be required to notify the FPPCA charges atleast 1 week before the month for which the same shall apply, for information of all the consumers.

- (12) The distribution licensee shall provide the details of month-wise FPPCA charges calculated and revenue collected thereof at the time of filing the tariff petition for the next year
- (13) All the FPPCA calculations and consumer wise FPPCA collections should also be displayed on the website of the distribution licensee as well."

By the Order of the Commission

NEERAJ SATI,

Secretary

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

August 16, 2023

UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2023

No. F-9 (34)/RG/UERC /2023/543: In exercise of the powers conferred under section 61(h), 86(1)(e) read with section 181 (zd) & (zp) of the Electricity Act, 2003, and all other powers enabling it in this behalf, and after previous publication, the Uttarakhand Electricity Regulatory Commission hereby makes the following regulations, namely:

CHAPTER 1**PRELIMINARY****1. Short title and commencement**

- (1) These regulations may be called the Uttarakhand Electricity Regulatory Commission (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2023.
- (2) These regulations shall come into force with effect from the date of notification, and unless reviewed earlier or extended by the Commission, shall remain in force for a period of 5 years from the date of commencement.

2. Scope and extent of application

- (1) These regulations shall apply in all cases where supply of electricity is being made from Renewable Energy Based Generating Stations, commissioned after coming effect of these Regulations, to the distribution licensees or local rural grids within the State of Uttarakhand. Provided that in cases of Wind, Small Hydro projects, Biomass power based on Rankine cycle, Non-Fossil Fuel based cogeneration projects, Solar PV, Canal Bank & Canal Top Solar PV projects, Solar Thermal power projects, Grid Interactive Roof Top and Small Solar PV plants, Biomass gasifier and Biogas, Municipal Solid Waste and Refuse Derived Fuel based power project these Regulations shall apply subject to the fulfillment of eligibility criteria specified in Regulation 4 of these Regulations,

Provided further that Regulations in Chapter 4 & 5 (except clause (B) & (C) of sub-

Regulation (1) of Regulation 27) of these Regulations shall not be applicable for generating stations commissioned prior to coming into effect of these Regulations and their existing tariffs shall continue to be applicable;

Provided also that clause (d) of sub-Regulation (3) of Regulation 11, 2nd & 3rd proviso of sub-Regulation 7 of Regulation 15 shall be applicable to such stations commissioned prior to coming into effect of these Regulations;

Provided that the tariff computation norms shall be in accordance with the Regulations prevalent during the year of commissioning of those stations;

Provided also that normative levelised tariff of 12 paise/unit, over and above the generic tariff for solar thermal/PV generating stations and normative levelized tariff of 5 paise/unit, over and above the generic tariff for Small Hydro Plants as specified in Regulation 16(1)(c) shall also be applicable to such stations commissioned prior to coming into effect of these Regulations;

Provided also that the Regulations other than those in Chapter 4 and 5 shall apply to other generating stations located in the State of Uttarakhand, which are based on Renewable Sources of Energy including non-fossil fuel based Co-generation and which transmit and/or supply electricity to any person other than the distribution licensee of the State utilizing State Transmission and/or Distribution System.

- (2) The existing projects, which are at present supplying power to third party shall have the option to switch over to supply to the distribution licensee subject to provisions of Regulation 7 of these Regulations or the local rural grid at generic tariffs as was applicable at the time of commissioning of their project or seek determination of project specific tariff from the Commission. The option shall be for the balance life of the project and shall not be allowed to be changed once it is exercised.
- (3) The generic tariff specified for Wind, Solar PV and Solar Thermal power projects under these Regulations shall be the maximum tariff and the distribution licensee/UREDA shall invite tariff based competitive bids from generators/developers for procurement of power from these generators/developers. The distribution licensee shall enter into a PPA with the generators/developers bidding lower tariff.

Provided that implementation of Canal Bank and Canal Top Solar Power Plants by the eligible government organisation shall be done through tariff based competitive bidding process. In such cases PPA for sale of power from these plants shall be signed with

distribution licensee at a tariff which shall be 8% higher than the tariff quoted by L-1 bidder, however, the tariff plus a margin of 8% shall not exceed the generic tariff determined by the Commission for the year of commissioning.

Provided further that in no case PPA for purchase of power by the distribution licensee shall be executed at a tariff exceeding the ceiling tariff as specified by the Commission in accordance with the regulations.

- (4) The generating stations covered under these Regulations shall be deemed to be the generating station of a generating company and all functions, obligations & duties assigned to such generating company under the Electricity Act, 2003 shall apply to these generating stations.

3. Definitions

- (1) Unless the context otherwise requires, the words used in these Regulations shall have the following meaning:

- (i) "Act" means the Electricity Act, 2003 (36 of 2003),
- (ii) "Auxiliary energy consumption" or 'AUX' in relation to a period in case of a generating station means the quantum of energy consumed by auxiliary equipment of the generating station and transformer losses within the generating station, expressed as a percentage of the sum of gross energy generated at the generator terminals of all the units of the generating station;
- (iii) "Banking" means the process under which a captive generating station supplies power to the grid not with the intention of selling it either to a third party or to a licensee, but with the intention of exercising his eligibility to draw back this power from the grid for its own use.
- (iv) "Billing cycle or Billing period" means a period of one month for which electricity bills shall be prepared for each Eligible Consumers/Prosumers by the licensee;
- (v) "Biomass" means waste produced during agricultural and forestry operations (for example straws, stalks, pine needle and lantana) or produced as a by-product of processing operations of agricultural produce (e.g., husks, shells, de-oiled cakes, etc); wood produced in dedicated energy plantations or recovered from wild bushes/weeds; and the wood waste produced in some industrial operations.

- (vi) "Biomass gasification" means a process of incomplete combustion of biomass resulting in production of combustible gases consisting of a mixture of Carbon monoxide (CO), Hydrogen (H₂) and traces of Methane (CH₄), which is called producer gas,
- (vii) "Biogas" means a gas created when organic matter like crop residues, sewage and manure breaks down in an oxygen-free environment (ferments),
- (viii) "Canal Bank Solar PV plants" means the Solar PV power plants installed on the banks of the canal.
- (ix) "Canal Top Solar PV Plants" means the Solar PV power plants installed on the top of the canal.
- (x) "Capacity Utilisation Factor (CUF)" shall mean the total energy sent out during the period expressed as a percentage of installed capacity reduced by the normative auxiliary consumption in that period,

$$CUF = \frac{ESO \times 10^7}{IC \times (100 - AUX) \times H} \%$$

Where,

ESO-Energy Sent Out Ex-bus, i.e. at interconnection point, in MU during the period,

IC- Installed capacity in MW,

AUX - % Normative Auxiliary Consumption

H - Number of hours in the period

- (xi) "Capital Cost" means capital cost as defined under Regulation 15(1) of these Regulations.
- (xii) "Captive Generating Plant" means a power plants set up by any person to generate electricity primarily for his own use and includes a power plant set up by any cooperative society or association of persons for generating electricity primarily for use of members of such cooperative society or association where not less than twenty six percent of the ownership is held by the captive user(s), and not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use. "Captive User" means the end user of the electricity generated in a Captive Generating Plant primarily for his own use and the term "captive

use" shall be construed accordingly

- (xiii) "Check Meter" means a meter, which shall be connected to the same core of the current transformer (CT) and voltage transformer (VT) to which Meter of the RE generator is connected and shall be used for accounting and billing of electricity in case of failure of main meter.
- (xiv) "Commission" means the Uttarakhand Electricity Regulatory Commission,
- (xv) "Control Period or Review Period" means the period during which the norms for determination of tariff specified in these Regulations shall remain valid;
- (xvi) "Date of commercial operation or Commissioning (CoD)" in relation to a unit means the date declared by the generator on achieving maximum continuous rating through a successful trial run and in relation to the generating station, the date of commercial operation means the date of commercial operation of the last unit or block of generating station and expression 'commissioning' shall be construed accordingly

Provided that in case of Small Hydro Plants the date of commissioning shall not be linked to achieving maximum continuous rating, nevertheless the generator will have to demonstrate the same within three years of commissioning

The date of commissioning of Solar PV plant shall be considered as the date of first injection of power into the licensee's grid after completion of the project in all respect subsequent to compliance of initial three prerequisites, i.e.

- (i) installation of energy meter as certified by the concerned Executive engineer of the distribution licensee,
- (ii) project completion report as verified by UREDA and
- (iii) issuance of Clearance Certificate by the Electrical Inspector

Provided that minimum 75% Performance Ratio based on the rated installed capacity in kW or MW is demonstrated within Three months from the date of first injection of power into licensee's grid on compliance of aforesaid three pre-requisites.

- (xvii) Provided further, that if the specified limit of Performance Ratio is not achieved within Three months from the date of first injection of power into licensee's grid on compliance of aforesaid three pre-requisites, the actual date of demonstration of minimum 75% Performance Ratio, based on the rated installed capacity in kW or MW, shall be considered the commissioning date of the Solar PV plant "Deemed Generation" means the energy which a generating station was capable of generating but could not generate

due to conditions of grid or power system, beyond the control of the generating station resulting in spillage of renewable resources."

- (xviii) "Deemed Generation" means the energy which a generating station was capable of generating but could not generate due to conditions of grid or power system, beyond the control of the generating station resulting in spillage of renewable resources,
- (xix) "Design Energy" means the quantum of energy which can be generated in a 90% dependable year with 95% installed capacity of the hydro generating station,
- (xx) "Distribution Code" means the UERC (Distribution Code) Regulations, 2018 specified under Section 14 of the Electricity Act 2003, read with Section 181 of the said Act and clause 18 of Distribution and Retail Supply License as amended from time to time,
- (xxi) "Eligible Consumer" means a consumer of electricity, in the area of supply of the distribution licensee, who has a rooftop or small solar system in its premises to offset part or all of its electrical requirements,
- (xxii) "Eligible Government organization" means organisation of Government of India or State Government or any Public Sector Undertaking of the Govt. of India or any State Government.
- (xxiii) "Expenditure incurred" means the fund, whether the equity or debt or both, actually deployed and paid in cash or cash equivalent for creation or acquisition of a useful asset and does not include commitments or liabilities for which no payment has been released
- (xxiv) "Feed-in-Tariff" means the Generic Tariff determined by the Commission for generation from Solar Energy based projects for Gross Metering in accordance with the principles laid down under these regulations
- (xxv) "Force Majeure Event" with respect to any party, any event or circumstance which is not within the reasonable control of, or due to an act or omission of, that party and which, by the exercise of reasonable care and due diligence, that party is not able to prevent, including, without limiting the generality of the foregoing:
 - i. Acts of God like lightning, landslide, storm, action of the elements, earthquakes, flood, drought and natural disaster or exceptionally adverse weather conditions;
 - ii. Any act of public enemy, wars (declared or undeclared), blockades, embargo, insurrections, riots, revolution, sabotage, terrorist or military action, vandalism and

civil disturbance,

- iii. Unavoidable accident, fire, explosion, radioactive contamination and toxic dangerous chemical contamination;
 - iv. Any shutdown or interruption of the grid, which is required or directed by the State or Central Government or by the Commission or the State Load Despatch Centre; and any shut down or interruption, which is required to avoid serious and immediate risks of a significant plant or equipment failure.
- (xxvi) "Green Energy" means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government of India from time to time and shall include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia or any other source, as may be, determined by the Central Government.
- (xxvii) "Grid interactive roof top solar PV plants (GRPVP)/ Grid interactive small solar PV plants (GSPV)" means Solar PV plant installed on the rooftop of a building and includes plants installed on open contiguous land within the premises and connected to the grid under net metering arrangement having maximum capacity as specified under these Regulations.
- (xxviii) "Group Net Metering" means an arrangement whereby surplus energy is generated and injected from a solar power plant through net meter and such surplus energy exported shall be adjusted in more than one electricity service connection(s) of the same consumer either at the same or different premise located within the same distribution licensee's area of supply;
- (xxix) "Gross Calorific Value" or "GCV" in relation to a fuel used in generating station means the heat produced in kCal by complete combustion of one kilogram of solid fuel or one litre of liquid fuel or one standard cubic meter of gaseous fuel, as the case may be;
- (xxx) "Gross Metering" means a mechanism whereby the total solar energy generated from GRPVP/GSPV of a Prosumer and the total energy consumed by the Prosumer are accounted separately through metering arrangements and for the billing purpose, the total energy consumed by the Prosumer is accounted at the applicable retail tariff and total solar power generated is accounted for at feed-in-tariff determined by the Commission.

- (xxxi) "Gross Station Heat Rate" or "GSHR" means the heat energy input in kCal required to generate one kWh of electrical energy at generator terminals of a thermal generating station,
- (xxxd) "Hybrid Solar Thermal Power Plant" means the solar thermal power plant that uses other forms of energy input sources alongwith solar thermal energy for electricity generation, and wherein not less than 75% of electricity is generated from solar energy component.
- (xxxiii) "Hybrid Wind Solar Power Plant" means the hybrid plant where Solar photovoltaic (PV) array coupled with a wind turbine and configured to operate at the same point of grid connection.
- (xxxiv) "Indian Electricity Grid Code (IEGC)" means the Grid Code specified by the Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act;
- (xxxv) "Infirm Power" means electricity generated during trial runs prior to commercial operation of a unit of a generating station;
- (xxxvi) "Installed Capacity" or "IC" means the summation of the name plate capacities of the units in the generating station or the capacity of the generating station (reckoned at the generator terminals);
- (xxxvii) "Inter-connection Point" in respect of all the RE based generating stations, except GRPV/GSPV, shall mean interface point of line isolator on outgoing feeder on HV side of generator transformer in the switching yard of renewable energy generating facility with the transmission system or distribution system.
- Provided that in respect of GRPV/GSPV, Inter-connection Point shall mean the interface of solar power generation facility under net metering arrangement with the network of licensee and shall normally be the point where export/import meter is installed to measure the energy transfer between the licensee and the eligible consumer/Prosumer
- (xxxviii) "MNRE" means the Ministry of New and Renewable Energy of the Government of India,
- (xxxix) "Municipal solid waste" means and includes commercial and residential wastes generated in a municipal or notified areas in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes;

- (xi) "Net-metering" means a mechanism whereby solar energy exported by the GRPV/GSPV of a Prosumer is deducted from energy imported from the Grid in units (kWh) to arrive at the net imported or exported energy and the net energy import or export is billed or credited or carried-over by the distribution licensee on the basis of the applicable retail tariff by using a single bidirectional energy meter for net-metering at the point of supply.
- (xli) "Net-meter" means an appropriate bi-directional energy meter capable of recording both import from the grid and export of electricity to the grid by the Solar Project.
- (xlii) "Non-fossil Fuel Based Co-generation" means the process in which more than one form of energy (such as steam and electricity) are produced in a sequential manner by use of biomass provided the project may qualify to be a co-generation project if it fulfills the eligibility criteria as specified in Regulation 4(2)(e).
- (xliii) "Non-Peak Hour" means other than Peak hours as may be decided by the Commission from time to time.
- (xliv) "Open Access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission;
- (xlv) "Open Access Regulations" means the Uttarakhand Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulations, 2015 as amended from time to time;
- (xlvi) "Operation and Maintenance Expenses" or "O&M Expenses" means the expenditure incurred in operation and maintenance of the generating station or part thereof, including the expenditure on manpower, repairs, spares, consumables, insurance and overheads;
- (xlvii) "Parallel Operation Charges" means charges determined by the Commission and to be recovered for cost of arranging the parallel operation from the concerned consumer of distribution Licensee and/or transmission licensee, as the case may be, for availing the parallel operation.
- (xlviii) "Peak Hours/Off Peak Hours" means particular hours of the day as may be decided by the Commission from time to time;

- (xlix) "Performance Ratio" (PR) means the ratio of plant output versus installed plant capacity at any instance with respect to the radiation measured.

$$PR = \frac{\text{Measure output in kW}}{\text{Installed Plant capacity in kW}} \times \frac{1000 \text{ W/m}^2}{\text{Measured radiation intensity in W/m}^2}$$

- (l) "Power Purchase Agreement" or "PPA" means a long term agreement between a generating company and a distribution licensee for supply of power on the terms and conditions specified therein and with the provision that the tariff for sale of power shall be as determined by the Commission from time to time;
- (li) "Premises" means the land, building or infrastructure or part or combination thereof including the rooftops or/and elevated areas owned by the Eligible Consumer;
- (lii) "Project/Plant" means a generating station and the evacuation system upto inter-connection point, as the case may be, and in case of a small hydro generating station includes all components of generating facility such as dam, intake water conductor system, power generating station and generating units of the scheme, as apportioned to power generation;
- (liii) "Prosumer" means a person who consumes electricity from the grid and can also inject electricity into the grid of distribution licensee, using same point of supply.
- (liv) "Refuse Derived Fuel" or RDF means segregated combustible fraction of solid waste other than chlorinated plastics in the form of pellets or fluff produced by drying, destoning, shredding, dehydrating, and compacting combustible components of solid waste that can be used as fuel;
- (lv) "Renewable Energy" means grid quality electricity generated from renewable energy sources
- (lvi) "Renewable Energy Based Generating Stations and Non-fossil Fuel Based Co-generating Stations" means the power plants other than the conventional generating stations generating grid quality electricity from Renewable Energy Sources.
- (lvn) "Renewable Energy Sources" means renewable sources such as small hydro, wind, solar including integration with combined cycle biomass, bio fuel co-generation, urban or municipal waste and other such sources as approved by MNRE.
- (lviii) "Small Hydro Plant" means Hydro Power projects with station capacity/installed capacity upto and including 25 MW

- (lix) "Solar PV Plant (SPV)" means project designed for the supply of entire solar energy to distribution licensee and excludes Solar PV plants installed under Net metering arrangement.
- (lx) "Solar Thermal Power Project" means the project that uses sunlight for conversion into electricity through concentrated Solar Power Technology based on either line focus or point focus principle.
- (lxi) "Saleable Energy" means the quantum of energy available for sale (ex-bus) after allowing for free energy, if any, to the home State;
- (lxii) "State Grid Code" means the Uttarakhand Electricity Regulatory Commission (State Grid Code) Regulations, 2016 specified by Uttarakhand Electricity Regulatory Commission under clause (h) of sub-section (1) of section 86 of the Act,
- (lxiii) "Tariff period" means the period for which tariff is to be determined by the Commission on the basis of norms specified under these Regulations;
- (lxiv) "Third party owner" means a developer who generates solar energy from its plant established in the Premises of Eligible Consumer and who has entered into a lease/commercial agreement with such Eligible Consumer;
- (lxv) "Useful Life" in relation to a unit of a generating station including evacuation system shall mean the following duration from the date of commercial operation (CoD) of such generation facility, namely:-

(i) Wind energy power project	25 years
(ii) Biomass power project including Municipal Solid Wastes (MSW) and Refuse Derived Fuel (RDF) based power projects With rankine cycle technology.	25 years
(iii) Non-fossil fuel cogeneration project	25 years
(iv) Small Hydro Plant	40 years
(v) Solar PV/Solar thermal/GRPV/GSPV / Canal bank/Canal top Solar PV plants.	25 years
(vi) Biomass Gasifier based power project	25 years

(vii) Biogas based power project

25 years

Provided that where the operation of a plant was stopped due to a force majeure event, the life of the plant shall be extended by the period of such stoppage and, accordingly, the FPA shall be extended accordingly

(lxvi) "Virtual Net Metering" means an arrangement whereby entire energy generated from Solar Energy based plant installed at Consumers premises or any other location is injected through Solar Energy Meter and the energy exported is adjusted in either one or more than one electricity service connection(s) of participating Consumer(s) located within the same Distribution Licensee's area of supply

(lxvii) "Year" means a financial year.

(2) Save as aforesaid and unless repugnant to the context or if the subject matter otherwise requires, words and expressions used in these regulations and not defined, but defined in the Electricity Act, 2003 or the UERC (State Grid Code) Regulations or the Commission's Regulations on determination of Tariff shall have the meanings assigned to them respectively in the Act or the State Grid Code or the Commission's Regulations as amended from time to time on determination of Tariff.

CHAPTER 2

GENERAL CONDITIONS

4. Eligibility Criteria for qualifying as Generating Station based on Non-Conventional/ Renewable Energy Source

- (1) For the purposes of these Regulations, generation from all types of Renewable Energy Sources and non-fossil fuel based Co-generating Plants, as approved by Ministry of New and Renewable Energy (MNRE), Government of India shall be considered and such generating stations shall be collectively referred to as RE Based Generating Stations and Co-generating Stations.
- (2) At present, generation from following sources and technologies shall qualify to be covered under these Regulations:
 - (a) Small hydro project- Generating Stations being developed in accordance with the prevalent policies of the State Government in this regard and using new plant and machinery with capacity lower than or equal to 25 MW, at single location.
 - (b) Wind power project - located at the wind sites having minimum annual mean Wind Power Density (WPD) of 200 Watt/m² measured at hub height of 50 meters and using new wind turbine generators.
 - (c) Solar PV, Canal bank & Canal top Solar PV, Solar Thermal, Agro-voltaic and GRPV/GSPV - Based on Technologies approved by MNRE.
 - (d) Biomass/Biogas power project - Biomass power projects using new plant and machinery based on Rankine Cycle technology and using biomass fuel sources, without use of fossil fuel,
 - (e) Non-fossil fuel based Co-generating Stations - The project shall qualify to be termed as a non-fossil fuel based co-generation project, if it is using new plant and machinery and is in accordance with the definition and also meets the qualifying requirement outlined below.

Topping cycle mode of co-generation - Any facility that uses non fossil fuel input for the power generation and also utilizes the thermal energy generated for useful heat applications in other industrial activities simultaneously

Provided that for the co-generation facility to qualify under topping cycle mode, the

sum of useful power output and one half the useful thermal output be greater than 45% of the facility's energy consumption, during season.

Explanation- For the purposes of this clause,

- (i) 'Useful power output' is the gross electrical output from the generator. There will be an auxiliary consumption in the cogeneration plant itself (e.g. the boiler feed pump and the FD/ID fans). In order to compute the net power output it would be necessary to subtract the auxiliary consumption from the gross output. For simplicity of calculation, the useful power output is defined as the gross electricity (kWh) output from the generator.
- (ii) 'Useful Thermal Output' is the useful heat (steam) that is provided to the process by the cogeneration facility.
- (iii) 'Energy Consumption' of the facility is the useful energy input that is supplied by the fuel (normally bagasse or other such biomass fuel).
- (iv) 'Topping cycle' means a cogeneration process in which thermal energy produces electricity followed by useful heat application in industrial activities.
- (f) Biomass Gasifier based Power Project - The project shall qualify to be termed as a biomass gasifier based power project, if it is using new plant and machinery and having a Grid connected system that uses 100% producer gas engine, coupled with gasifier technologies approved by MNRE.
- (g) Biogas based Power Project - The project shall qualify to be termed as a biogas based power project, if it is using new plant and machinery and having grid connected system that uses 100% Biogas fired engine, coupled with Biogas technology for co-digesting agriculture residues, manure and other bio waste as may be approved by MNRE.
- (h) Municipal solid waste based power projects - The project shall qualify to be termed as a Municipal solid waste based power project, if it is using new plant and machinery based on Rankine cycle technology and using Municipal solid waste as fuel sources.
- (i) Refuse derived fuel based power projects - The project shall qualify to be termed as a Refuse derived fuel based power project, if it is using new plant and machinery based on Rankine cycle technology and using Refuse derived fuel as fuel sources.
- (j) Hybrid Wind-Solar power Plant- The project shall qualify to be termed as a hybrid Wind-Solar power plant, if Solar photovoltaic (PV) array coupled with a wind turbine

and configured to operate at the same point of grid connection

- (3) Any new source or technology would qualify as 'renewable energy', only after such source/technology is based on scientifically proven technology approved by MNRE or any competent authorities under the central ministry. Further, the Commission shall determine tariffs separately for each technology after the approval of such scientifically proven technology by competent authority under the central ministry.

5. Environmental and other Clearances

- (1) The RE Based Generating Stations and Co-generating Stations shall abide by the emission standards/environmental norms as may be set by the Union/State Government, and for that purpose it shall obtain all the required environmental and pollution clearances from the Central/State Pollution Control authorities, wherever applicable.
- (2) The RE Based Generating Stations and Co-generating Stations shall obtain necessary clearances from the State Government/Uttarakhand Renewable Energy Development Agency (UREDA), wherever necessary.

6. Obligations and Duties of the Generating Station

- (1) RE Based Generating Stations and Co-generating Stations shall indicate the capacity of its generating plant in the 'Detailed Project Report' (DPR) keeping in view the potential of electricity generation available from such source and its optimal utilization. It shall further be obliged to submit the DPR, progress of construction and details regarding commissioning of the generating plant or any other related information to the Commission in such form and manner as may be required by the Commission.
- (2) The RE Based Generating Stations and Co-generating Stations shall-
- (a) Ensure that all the Government and other statutory dues are paid by it within the stipulated time.
- (b) Submit the technical details concerning the generation and/or transmission as may be specified by the Authority/Commission for carrying out studies relating to cost and efficiency
- (c) Submit the information in respect to generation, demand met, capacity availability, capacity utilization factor, auxiliary consumption, specific heat rate and specific oil consumption or on any other parameters etc. yearly basis or as may be directed by the Commission from time to time.

- (d) Submit audited annual accounts alongwith the copy of income tax returns filed on yearly basis to the Commission.

Provided that in case the generator is having more than one generating station in operation, it shall maintain and submit plant wise details of O&M expenses alongwith the audited accounts on yearly basis to the Commission.

- (e) Shall establish a communication and data transfer system with State Load Dispatch Centre and Co-ordinate with State Load Dispatch Centre and the Regional Load Dispatch Center in respect to:
- (i) Scheduling;
 - (ii) Exchange of data of quantity of electricity transmitted through the grid;
 - (iii) Real time grid operation and dispatch of electricity in accordance with IEGC and State Grid Code.

- (3) The RE Based Generating Stations and Co-generating Stations shall abide by the grid discipline and install adequate protection equipment for safety of its system and human life. It shall not be entitled for any compensation in the event of grid failure or any interruptions or damage to the plant or its associated sub-station and transmission line on account of any occurrence in the grid.

- (4) The RE Based Generating Stations and Co-generating Stations shall establish, operate and maintain generating station, the associated substation and dedicated transmission lines, if it exercises the option to establish the line. These shall be in accordance with:

- (a) The technical standards for construction of electrical plants, electric lines and connectivity with the grid as specified by the Authority (section 73 (b) of the Electricity Act, 2003).
- (b) Safety requirements for construction, operation and maintenance of electrical plants and electric lines as specified by the Authority (section 73 (c) of the Electricity Act, 2003)
- (c) Grid standards for operation and maintenance of transmission lines as specified by Central Electricity Regulatory Commission/Central Electricity Authority or the State Transmission Utility (section 73 (d) of the Electricity Act, 2003).
- (d) The conditions for installation of meters for supply of electricity as specified by the Authority or the State Transmission Utility (section 73 (e) of the Electricity Act, 2003).

- (5) The RE Based Generating Stations and Co-generating Stations shall ensure the compliance of the 'IEGC', the State Grid Code and the Distribution Code as amended from time to time
- (6) The RE Based Generating Stations and Co-generating Stations shall ensure compliance of any general or specific direction issued and regulations made by the Commission for the generating companies.
- (7) All Power Purchase Agreements (PPAs) signed by the generating stations existing on the date of notification of these regulations shall be amended in accordance with these regulations, if inconsistent with these Regulations, and such amended PPAs shall be valid for entire life of the RE Based Generating Stations and Co-generating Stations.
- (8) The RE Based Generating Stations and Co-generating Stations shall coordinate with State Transmission Utility/Distribution Licensee for the purpose of planning and coordination relating to intra-state transmission/distribution system as provided under the Act.
- (9) The RE Based Generating Stations and Co-generating Stations shall be under obligation to comply with the directions issued to it by the State Load Dispatch Centre failing which the plant shall be liable for appropriate action under the Electricity Act, 2003.
- (10) The RE Based Generating Stations and Co-generating Stations shall pay fee and charges to the State Load Dispatch Centre as may be specified or directed by the Commission from time to time.
- (11) In case of dispute with reference to quality of electricity or safe, secure and integrated operation of the grid or in relation to any direction issued by the State Load Dispatch Centre, the matter shall be referred to the Commission for adjudication.

7. Sale of Power

- (1) All RE Based Generating Stations and Co-generating Stations shall be allowed to sell power, over and above the capacity required for their own use, to the distribution licensee provided that distribution licensee is willing to enter into a PPA or to local rural grids at the rates determined by the Commission or to any consumer/person within the State or outside the State at mutually agreed rates (provided that such consumer has been allowed Open Access under Open Access Regulations)
- (2) The distribution licensee on an offer made by the said RE based Generating Stations and Co-generating Stations may enter into a power purchase agreement in conformity with these Regulations and relevant provisions of other Regulations and the Act. However, if the

distribution licensee intends to purchase power from such generator it shall sign the PPA within two months of offer made by the generating company. Otherwise, if the distribution licensee is not willing to purchase power from such generator it shall intimate the same to the generating company within one month of offer made by it.

Provided that where a GRPV/CSPV plant, is installed in the Premises, by a third party who intends to sell net energy (i.e. after adjustment of entire consumption of owner of the premise) to the distribution licensee, a tripartite agreement will have to be entered into amongst the third Party, the Eligible Consumer and such Distribution Licensee.

- (3) The distribution licensee shall make an application for approval of power purchase agreement entered into with the generating company in such form and manner as specified in these regulations and UERC (Conduct of Business) Regulations, 2014 as amended from time to time within one month of the date of signing the PPA.

Provided further that the application for approval of PPA should be accompanied with an unconditional Technical Feasibility Report and the connectivity agreement signed with the Transmission/Distribution licensee shall form part of the PPA.

8. Green Energy (procurement of green energy from distribution licensee)

- (1) Any consumer may elect to purchase green energy either upto a certain percentage of the consumption or its equivalent to 100% of its entire consumption and they may place a requisition for this with the distribution licensee, who shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for categories specified in Chapter-3 of these regulations.
- (2) The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of twenty five percent and going upto hundred percent.
- (3) The tariff for the green energy shall be specified by the Commission in the Tariff Orders of Distribution Licensee which shall comprise of the average pooled power purchase cost of the renewable energy, cross subsidy charges if any, and service charges covering the prudent cost of the distribution licensee for providing the green energy.
- (4) Any requisition for green energy from a distribution licensee shall be for a minimum period of one year.

- (5) The green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of the obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee
- (6) The accounting of renewable energy supplied at distribution level shall be on a monthly basis.

9. Open Access

- (1) Non-discriminatory Open access in State Transmission/Distribution System shall be allowed to all RE based Generating stations and Co-generating Stations for captive use and to those covered under Regulation 7(1), which shall be subject to the provisions of the Open Access Regulations.

Provided that the 'open access' shall be allowed subject to the availability of surplus capacity in the State Transmission/Distribution System.

Provided that the captive power plants shall be required to pay Parallel Operation Charges to Distribution Licensee and/or Transmission Licensee, as the case may be, for utilization of grid support from Distribution Licensee and/or Transmission Licensee. The Commission shall specify the Parallel Operation Charges in its Tariff Orders for distribution licensee or transmission licensee, as the case may be, on annual basis.

Provided that levy of Open Access Charges on captive projects shall be governed by the relevant provisions of the Act and policies issued by Central/State Government from time to time.

- (2) Such open access shall be subject to payment of transmission/wheeling charges and adjustment of average transmission/distribution losses in kind as determined in accordance with the Regulation 41 of these Regulations.

- (3) If any question arises as to the availability of surplus capacity in the State transmission system or the State distribution system, the matter shall be adjudicated and decided by the Commission.

CHAPTER 3

RENEWABLE PURCHASE OBLIGATION (RPO)

10. Minimum Quantum of electricity to be purchased by distribution licensees from 'non-fossil fuel based co-generation and generation of electricity from renewable energy sources'

- (1) In line with the provisions of the Act, National Electricity Policy, the Tariff Policy to promote development of renewable and non-conventional sources of energy, all existing and future distribution licensees, captive users and open access customers, hereinafter referred to as "Obligated Entity", in the State shall be obliged to procure minimum percentage of their total electricity requirement for own consumption, as indicated below, from eligible renewable energy sources as defined under Regulation 4. The same shall be called the Renewable Purchase Obligation (RPO) of the Obligated Entities.

Year	Wind RPO	Hydro Purchase Obligation (HPO)	Other RPO		
			Solar RPO	Other than Solar	Total of Other RPO
2023-24	1.60%	0.66%	5.00%	19.81%	24.81%
2024-25	2.46%	1.08%	5.31%	21.06%	26.37%
2025-26	3.36%	1.48%	5.68%	22.49%	28.17%
2026-27	4.29%	1.80%	6.02%	23.84%	29.86%
2027-28	5.23%	2.15%	6.33%	25.10%	31.43%
2028-29	6.16%	2.51%	6.59%	26.10%	32.69%
2029-30	6.94%	2.82%	6.77%	26.80%	33.57%

- (a) Wind RPO shall be met only by energy produced from Wind Power Projects (WPPs), commissioned after 31st March 2022.
- (b) HPO shall be met only by energy purchased from HPPs (including PSPs and Small Hydro Projects (SHPs)), commissioned after 8th March 2019.
- (c) Other RPO shall be met by energy produced from any RE power project not mentioned in (a) and (b) above.

Percentage RPO as stipulated above denotes Minimum Quantum of purchase from non-fossil fuel based co-generation and generation of electricity from renewable energy sources as a percentage of total energy purchased from all sources/generated by the Obligated Entity during the year for own consumption.

Where, total energy purchased for different obligated entities shall be as under

- a. For Discoms, total energy purchased from all sources during the year for own consumption; and
- b. For Open Access consumers, total energy purchase through Open Access shall be metered consumption recorded at drawl/consumption point during the year for own consumption.
- c. For Captive users, total energy purchased shall be metered consumption recorded at drawl/consumption point during the year for own consumption

Provided that HPO obligation of the Distribution licensee may also be met out of the free power being provided to the State from HPPs (including PSPs and SHPs), commissioned after 8th March 2019 as per agreement at that point of time excluding the contribution towards LADF, if consumed within the Discom. Free Power (not that contributed for Local Area Development) shall be eligible for HPO benefit.

Provided that any shortfall remaining in achievement of Solar RPO category in a particular year can be met with excess energy consumed from eligible HPP (including PSPs and SHPs), commissioned after 8th March 2019 beyond 'HPO' for that year or with excess energy consumed from eligible 'Other than Solar RPO' under category of Other RPO for that year

Provided further that any shortfall remaining in achievement of 'Other than Solar RPO' under 'Other RPO' category in a particular year can be met with either the excess energy consumed from Wind Power Plants, commissioned after 31st March 2022 beyond 'Wind RPO' for that year or with excess energy consumed from eligible HPPs (including PSPs and SHPs), commissioned after 8th March 2019 beyond 'HPO' for that year or with excess energy consumed from solar plants beyond 'Solar RPO' for that year or partly from all above three category..

Provided further that any shortfall in achievement of 'Wind RPO' in a particular year can be met with excess energy consumed from Hydro Power Plants, which is in excess of 'HPO' for that year and vice versa.

- (2) For the purpose of this RPO framework, for every obligated entity, own consumption would mean gross energy consumed or purchased by the obligated entity from all sources for its own use or for the purpose of supply to its consumers within its area of supply, excluding any inter-se sale of electricity amongst the Licensees or outside consumers.

- (3) Distribution licensee shall be eligible to utilise the gross Solar energy generated from the GRPV/GSPV of non-obligated entities for meeting its 'Solar RPO' compliance based on the gross energy generated meter reading of such GRPV/GSPV.
- (4) The following percentage of total energy consumed shall be solar/wind energy alongwith/through storage

Financial Year	Storage (on Energy basis)
2023-24	1.0%
2024-25	1.5%
2025-26	2.0%
2026-27	2.5%
2027-28	3.0%
2028-29	3.5%
2029-30	4.0%

- (5) The Energy Storage Obligation shall be calculated in energy terms as a percentage of total consumption of electricity and shall be treated as fulfilled only when and at least 85% of the total energy storage in the Energy Storage System (ESS), on an annual basis, is procured from renewable energy sources.
- (6) The Energy Storage Obligation to the extent of energy stored from RE sources shall be considered as a part of fulfilment of the total RPO as mentioned under sub-regulation (1) of this regulation.
- (7) UREDA will maintain the data related to compliance of RPO Obligation.

CHAPTER 4

TARIFF- GENERAL PRINCIPLES

11. Tariffs

- (1) The tariff determined under these Regulations shall be applicable for sale of electricity to the distribution licensees and to local rural grids only. The Commission shall as far as possible be guided by the principles and methodologies, if any, specified by the CERC, National Electricity Policy and the Tariff policy.
- (2) The RE Based Generating Stations and Co-generating Stations, except those mentioned under second Proviso to sub- Regulation (1) of Regulation 2, may opt for the generic tariff, as determined based on norms specified in these Regulations for different technologies, or may file a petition before the Commission for determination of "Project Specific Tariff". For this purpose, RE Based Generating Stations and Co-generating Stations shall give its option to the distribution licensee at least 3 months in advance of date of commissioning of the project or commissioning of the first unit, in case of multiple units. This option once exercised shall not be allowed to be changed during the validity period of the PPA.

Provided that the option of seeking project specific tariff shall not be available to the following:

- (i) Any type of solar power plant,
- (ii) Wind Energy Power Plants, and
- (iii) Other RE based power projects having installed capacity upto 1 MW.

Provided further that if generating company does not give its option to the distribution licensee within above stipulated time, generic tariff shall be applicable based on the date of commissioning of the project or commissioning of the first unit, in case of multiple units.

- (3) Project Specific Tariff, on case to case basis, shall be determined by the Commission in the following cases:
 - (a) For projects opting to have their tariffs determined on the basis of actual capital cost instead of normative capital cost as specified for different technologies under Chapter 5 subject to 1st Proviso of Regulation 11(2) above, the CUF (generation) for recovery of fixed charges shall be taken as that envisaged in the approved DPR or the normative CUF specified under Chapter 5 for the relevant technology, whichever is higher;

- (b) Other hybrid projects include renewable-renewable or renewable-conventional sources, for which renewable technology is approved by MNRE;
- (c) Projects having old plant and machinery or equipment;
- (d) The RE generating company for meeting the expenditure on Renovation, Modernisation and Up-gradation (RMU) for the purpose of extension of life beyond the useful life of its RE based power plant shall make an application before the Commission for in-principle approval of the proposal alongwith a DPR giving complete scope, cost-benefit analysis, estimated life extension from a reference date, financial package, phasing of expenditure, schedule of completion and other details as required by the Commission and the Commission while fixing their tariffs, shall be guided by the tariff norms specified in the Regulations based on actual capital cost subsequent to the completion of the RMU activities and such other factors considered relevant by the Commission;
- (e) Any other new renewable energy technologies approved by MNRE.

Provided that the Commission while determining the Project Specific Tariff shall be guided by the provisions of Chapter 4 & 5 of these Regulations for technologies specified therein

12. Control Period or Review Period

- (1) The Control Period or Review Period under these Regulations shall be of five years, of which the first year shall be the financial year 2023-24.

Provided that the benchmark capital cost of Solar PV, Canal Bank & Canal Top Solar PV, Solar Thermal, Municipal Solid Waste based power projects, Refuse Derived Fuel based power projects and Grid interactive Roof Top and Small Solar PV projects may be reviewed annually by the Commission.

Provided further that the tariff determined as per these Regulations for the RE projects commissioned during the Control Period, shall continue to be applicable for the entire Tariff Period.

13. Tariff and PPA Period

- (1) The Tariff Period for Renewable Energy power projects shall be equal to Useful life of the Project as specified in Regulation 3(1)(ixiii) of these Regulations.

- (2) Tariff period under these Regulations shall be considered from the date of commercial operation or commissioning of the renewable energy plant.
- (3) The PPA shall be required to be executed with distribution licensee for the entire Tariff Period

14. Petition and proceedings for determination of Project Specific Tariff

- (1) The RE Based Generating Stations and non-fossil fuel based Co-generating Stations may make an application for fixation of Project Specific Tariff based on actual Capital Cost in respect of the completed units of the RE Based Generating Stations and Co-generating Stations in such formats and alongwith such information as the Commission may require from time to time.

Provided that for Project Specific Tariff determination, the RE Based Generating Stations and Co-generating Stations shall submit the DPR and the break-up of Capital Cost items along with its petition.

- (2) Till fixation of final tariff, a RE Based Generating Station or Co-generating Station may either accept the generic tariff as provisional tariff or make an application for determination of provisional tariff in advance of the anticipated date of completion of the project based on the capital expenditure actually incurred up to the date of making the application or a date prior to making of the application, duly audited and certified by the statutory auditors. The provisional tariff as may be determined by the Commission may be charged from the Commercial Operation Date (CoD) of the respective unit of the generating station

Provided that the RE Based Generating Stations and Co-generating Stations shall be required to make a fresh application for determination of final tariff based on actual capital expenditure incurred up to the date of commercial operation or commissioning of the generating station within 18 months from the actual CoD.

- (3) A petition for determination of project specific tariff shall be accompanied by such fee as specified in the UERC (Fee and Fines) Regulations, 2002, as amended from time to time, and shall be accompanied by,
 - (a) Information in forms 1.1, 1.2, 2.1 and 2.2 as the case may be, and as appended in these regulations,
 - (b) Detailed project report outlining technical and operational details, site specific aspects, premise for capital cost and financing plan etc;

- (c) A Statement of all applicable terms and conditions and expected expenditure for the period for which tariff is to be determined,
 - (d) A statement containing full details of calculation of any subsidy and incentive received, due or assumed to be due from the Central Government and/or State Government. This statement shall also separately include the proposed tariff calculated with and without consideration of the subsidy and incentive,
 - (e) Auditor's certificate indicating year wise and component/asset wise expenditure incurred towards project cost and IDC & IBDC alongwith duly audited and certified copies of annual accounts by the statutory auditors; and
 - (f) Details of loans including statements of the financial institutions from the date of first drawal and the certificate from the lender(s) that the project has not been classified as NPA and in case the project has been classified as NPA, determination of project specific tariff will be denied,
 - (g) Any other information that the Commission requires the Petitioner to submit.
- (4) The proceedings for determination of tariff shall be in accordance with the UERC (Conduct of Business Regulations), 2014.

15. Tariff Structure

- (1) The tariff for renewable energy technologies shall be single part tariff (in Rs./kWh) and ex-bus, i.e. after auxiliary consumption and transformation losses at the interconnection point as defined in Regulation 3(1)(xxxiv)

Provided that for renewable energy technologies having fuel cost component, like biomass/biogas/biomass gasifier power projects, Refuse derived fuel and non-fossil fuel based cogeneration, tariff with two components, namely fixed cost component and fuel cost component, shall be determined

- (2) The Tariff shall consist of the following fixed cost components:

- (a) Return on equity,
- (b) Interest on loan capital,
- (c) Depreciation,
- (d) Interest on working capital,
- (e) Operation and maintenance expenses;

(3) The generic tariff is being determined separately for each kind of renewable source and for each type of renewable technology for which norms have been specified in these Regulations.

(4) The generic tariff is based on normative parameters as per the norms specified in these Regulations for each type of source and the year of commissioning of the plant. Tariff in respect of a RE Based Generating Stations and Co-generating Stations under these Regulations shall be applicable for the whole generating station

Provided that the generic tariff for supply of electricity from the plant, having more than one unit commissioned during currency of different control period, shall be based on weighted average of the tariffs specified under different Regulations for the total capacity of the plant.

(5) The levelised tariffs for the useful life of the project shall be specified for the RE Based Generating Stations and Co-generating Stations.

Provided that for renewable energy technologies having tariff (in Rs./kWh) with two components, for fixed cost component tariff may be determined on levelised basis considering the year of commissioning of the project while the fuel cost component shall be specified on year of operation basis

(6) For the purpose of levelised tariff computation, the discount factor equivalent to weighted average cost of capital shall be considered. For determination of weighted average cost of capital, the pre-tax return on equity would be adjusted for tax at the applicable rates.

(7) The tariffs determined under these regulations being levelised, any shortfall or gain due to performance or other reasons is to be borne/retained by the RE Based Generating Stations and Co-generating Stations and no true up of any parameter, including additional capitalisation for whatsoever reasons, shall be taken up during the validity of the tariff for projects opting generic tariff or those opting project specific tariff. The tariff for supply of electricity between the period of synchronization and the commissioning of the unit (Infirm Power) shall be equal to 50% of fixed cost component of levelised generic tariff for the useful life of the project. However, renewable energy technologies having fuel cost component, like biomass/biogas/biomass gasifier power projects, Refuse derived fuel and non-fossil fuel based cogeneration, shall also be entitled to get the fuel cost component of tariff for that year in addition to 50% of the levelised generic tariff.

Provided that where project specific tariff is being determined the revenue generated from infirm power shall be used to reduce the capital cost of the project after giving credit for cost of fuel consumed, wherever applicable;

Provided that any additional expenditure of capital nature which becomes necessary for restoration works only on account of damages caused by natural calamities (but not due to flooding of power house attributable to the negligence of the generating company), after prudence check by the Commission, shall be allowed as additional capitalisation after duly adjusting the proceeds from any insurance scheme for all the generating stations covered under these Regulations. For additional capital expenditure admitted, as above, appropriate adjustment in tariff shall be allowed for balance life of that project based on the norms given in Chapters 4 & 5 of the Regulations;

Provided that additional capitalisation on this account would only be allowed if appropriate and adequate insurance cover was available for the generating station at the time of occurrence of natural calamities referred to above. The generating company shall intimate the Commission and Distribution Licensee within seven days from the occurrence of any such force majeure event resulting into shut down of plant. The Commission may in such case direct the distribution licensee and State nodal agency to visit the damaged plant and assess the nature & type of damages and restoration works required in coordination with the generator/developer.

16. Financial Principles

(1) Capital Cost

- (a) The norms for the Capital Cost as specified in the subsequent technology specific provisions in Chapter 5 shall include the expenditure incurred or projected to be incurred, initial spares, interest during construction (IDC) and financing charges, incidental expenditure during construction (IEDC), any gain or loss on account of foreign exchange risk variation during construction on loans arrived in the manner specified in sub-regulation (2) below upto the date of commercial operation or commissioning of the project, as admitted by the Commission after prudence check. The capital cost shall also include the expenditure incurred or projected to be incurred towards the switchyard etc. upto the point of interconnection (i.e. it does not include cost of dedicated line and associated equipment from point of interconnection upto the nearest sub-station of transmission or distribution licensee to which generating station

is connected).

- (b) In case of additional costs on account of IDC, Finance charges and IEDC due to delay in achieving the Schedule CoD, the generating company shall be required to furnish detailed justification with supporting documents for such delay including the details of IDC, Finance Charges and IEDC during the period of delay and liquidated damages recovered or recoverable corresponding to the delay:

Provided that if the delay is not attributable to the generating company and is due to uncontrollable factors, such expenditures may be allowed after due prudence check;

Provided further that where the delay is attributable to an agency or contractor or supplier engaged by the generating company, the liquidated damages recovered from such agency or contractor or supplier shall be kept in view while computing the capital cost.

- (c) In case individual generating company opts to construct, at its own cost, the evacuation infrastructure from point of inter-connection to the nearest sub-station of transmission or distribution licensee to which the generating station is connected, it shall be allowed a normative levelised tariff of 7 paise/unit over and above the generic tariff determined at the point of inter-connection. However, in case of a solar generating company a normative levelised tariff of 14 paise/unit over and above the generic tariff determined at the point of inter-connection shall be allowed. The said normative tariff for evacuation infrastructure has been arrived at considering the cost of line and equipments specified under UERC (The Electricity Supply code, Release of New Connections and Related matters) Regulations, 2020 as per normative cost given below:

(i) Upto 3MW, 11 kV S/C	- Rs. 8.00 lakh/km
(ii) Above 3MW and upto 13 MW, 33 kV S/C	- Rs. 12.50 lakh/km
(iii) Above 13 MW and upto 25 MW, 33 kV 2 x S/C or DC	- Rs. 25.00 lakh/km

Provided that in case more than one generating stations construct, at its own cost, a common evacuation infrastructure including pooling switching station, in accordance with Regulation 43 of these Regulations, for evacuation of power of their generation, then the above normative levelised tariff shall be apportioned among all such generating stations on the basis of their installed capacity.

Provided further that where the transmission line from inter-connection point to nearest sub-station is partly constructed by distribution licensee and partly by generating company, normative levelised tariff of 7 paise/kWh or 14 paise/kWh, as the case may be, shall be as per length of the line constructed by the generating company in proportion to the overall length of the line i.e. from inter-connection point to sub-station of the distribution/transmission licensee.

- (d) The distribution licensee will have to pay the additional tariff, specified above to, the generating company(s) provided ownership of such lines remains with such generating company(s). However, the first option shall be given to the distribution licensee for either buying the evacuation infrastructure of the generating company(s) at the depreciated cost indicated in the latest audited accounts of the said company(s), or pay additional tariff as per these regulations.

Provided that the distribution licensee will be required to exercise the option within one year from the date of commissioning of the generating station(s).

(2) Debt-Equity Ratio

- (1) The debt-equity ratio for generic and project specific tariff shall be as follows:

(a) For generic tariff debt-equity ratio shall be 70:30.

(b) For project specific tariff, the following provisions shall apply:

If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:

Provided that where equity actually deployed is less than 30% of the capital cost, the actual equity shall be considered for determination of tariff;

Provided further that the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment;

- (2) Subsidy available from MNRE, to the extent specified under Regulation 25, shall be considered to have been utilized towards pre-payment of debt leaving balance loan and 30% equity to be considered for determination of tariff.

Provided further that it shall be assumed that the original repayments shall not be affected by this prepayment.

- (3) The amount of subsidy shall be considered for each renewable source as per the applicable policy of MNRE. If the amount of subsidy is increased or reduced by MNRE, then necessary corrections in tariffs would be carried out by the Commission provided the reduction in subsidy amount is not due to the inefficiency of the generating company

17. Interest on loan capital

- (1) The loans arrived at in the manner indicated in Regulation 16(2) shall be considered as gross normative loan for calculation of interest on loan. The normative loan outstanding as on 1st April of every year shall be worked out by deducting the cumulative repayment up to 31st March of previous year from the gross normative loan.
- (2) For the purpose of computation of generic tariff, the normative interest rate shall be considered as average State Bank of India (SBI) Marginal Cost of Funds based Lending Rate (MCLR) (one year tenor) prevalent during the last available six months plus 300 basis points. For the purpose of computation of project specific tariff, interest rate shall be considered as lower of the actual interest payable to the financial institutions or the average State Bank of India (SBI) Marginal Cost of Funds based Lending Rate (MCLR) (one year tenor) prevalent during the last available six months from the date of Petition plus 300 basis points
- (3) Notwithstanding any moratorium period availed by the generating company, the repayment of loan is being considered from the first year of commercial operation of the project and shall be equal to the annual depreciation allowed.
- (4) Normative period of loan repayment shall be taken as 15 years.

18. Depreciation

- (1) For the purpose of tariff, depreciation shall be computed in the following manner, namely:
- (a) The value base for the purpose of depreciation shall be the capital cost of the project as admitted by the Commission in accordance with sub-regulation (2) below.
- (b) The Salvage value of the asset shall be considered as 10% and depreciation shall be allowed up to maximum of 90% of the Capital Cost of the asset.
- (c) The depreciation rate for the first 15 years of the Tariff Period shall be 4.67% per annum and the remaining depreciation shall be spread over the remaining useful life of the project from 16th year onwards considering salvage value of the project as 10% of the

project cost.

(d) Depreciation shall be chargeable from the first year of commercial operation.

(2) 75% of the Capital subsidy received by the generator shall be reduced from the capital cost for depreciation purposes.

19. Return on Equity

(1) The value base for the equity shall be as determined under Regulation 16(2).

(2) The normative Return on Equity (Post tax) shall be 16% for the Renewable energy source based power projects. The normative Return on Equity shall be grossed up by the latest available notified Minimum Alternative Tax (MAT) rate for the first 15 years of the Tariff Period and by the latest available notified Corporate Tax rate for the remaining Tariff Period to work out the pre-tax RoE.

20. Interest on Working Capital

(1) The Working Capital requirement in respect of Wind energy projects, Small hydro power, Solar PV, Canal Bank and Canal Top Solar PV, Solar thermal and GRPV/GSPV power projects shall be computed in accordance with the following:

(a) Operation & Maintenance expenses for one month.

(b) Receivables equivalent to 45 days of energy charges for sale of electricity calculated on the normative CUF:

Provided that for determination of project specific tariff, sale of electricity will be calculated based on the CUF envisaged in the approved DPR or the normative CUF specified for the relevant technology under Chapter 5, whichever is higher.

(c) Maintenance spare @ 15% of operation and maintenance expenses.

(2) The Working Capital requirement in respect of biomass power projects, municipal solid waste based power projects, refused derived fuel based power projects and non-fossil fuel based co-generation projects shall be computed in accordance with the following:

(a) Fuel costs for four months equivalent to normative CUF;

(b) Operation & Maintenance expense for one month.

(c) Receivables equivalent to 45 days of fixed and variable charges for sale of electricity calculated on the normative CUF:

Provided that for determination of project specific tariff, CUF will be taken as the CUF envisaged in the approved DPR or the normative CUF specified for the relevant technology under Chapter 5, whichever is higher.

(d) Maintenance spare @ 15% of operation and maintenance expenses;

- (3) Interest on Working Capital shall be at interest rate equivalent to the normative interest rate of three hundred and fifty (350) basis points above the average State Bank of India (SBI) Marginal Cost of Funds based Lending Rate (MCLR) (one year tenor) prevalent during the last available six months.

21. Operation and Maintenance expenses

- (1) Operation and maintenance expenses for the year of commissioning shall be determined based on normative O&M expenses specified by the Commission under Chapter 5 for different technologies for the first Year of Control Period, i.e. for FY 2023-24. These expenses shall be escalated @ 5.72% p.a. to arrive at O&M expenses for the ensuing years.
- (2) Normative O&M expenses allowed for the year of commissioning shall be escalated at the rate of 5.72% p.a. to determine the O&M expenses for the different years of the Tariff Period.

22. CDM benefits

- (1) The proceeds of carbon credit from approved CDM project shall be shared between generating company and concerned beneficiaries in the following manner, namely-
- (a) 100% of the gross proceeds on account of CDM benefit to be retained by the project developer in the first year after the date of commercial operation or commissioning of the generating station;
- (b) In the second year, the share of the beneficiaries shall be 10% which shall be progressively increased by 10% every year till it reaches 50%, where after the proceeds shall be shared in equal proportion, by the generating company and the beneficiaries.
- (c) The CDM benefits shall not be considered for determination of levelised or yearly tariff and total amount of proceeds shall be remitted directly by the generating company to the distribution licensee for each financial year within one month of its receipt alongwith auditor's certification in accordance with above provisions.

23. Rebate

For payment of bills of the generating company through Letter of Credit or any other mode

within the specified period below, a rebate shall be allowed to the distribution licensee as follows,

No. of days from the date of presentation of bill within which payment is credited in generating company account	Applicable Rebate (%)
Within 7 days	1.65
From 8 th day to 15 th day	1.50
From 16 th day to 23 rd day	1.35
From 24 th day to 30 th day	1.25

Explanation: The number of days shall be counted consecutively without considering any holiday. However, in case the last day is official holiday, last day for the purpose of rebate shall be construed as the immediate succeeding working day.

24. Late Payment Surcharge

In case the payment of bills is delayed beyond a period of 45 days from the date of billing, a late payment surcharge at the rate of 1.25% per month or part thereof shall be levied by the generating company.

Provided that the existing PPAs should be read as amended to be in conformity with the above sub-regulation 23 and 24 of these Regulations.

25. Subsidy or incentive by the Central/ State Government

The Commission shall take into consideration any incentive or subsidy offered by the Central or State Government, including accelerated depreciation benefit if availed by the generating company for the renewable energy power plants while determining the tariff under these Regulations.

Provided that only 75% of the capital subsidy for the financial year of commissioning as per applicable scheme of MNRE shall be considered for tariff determination.

Provided that the following principles shall be considered for ascertaining income tax benefit on account of accelerated depreciation, if availed, for the purpose of tariff determination:

- Assessment of benefit shall be based on capital cost admitted, accelerated depreciation rate as per relevant provisions under Income Tax Act and corporate income tax rate.
- Capitalisation of RE projects during second half of the fiscal year. Per unit benefit shall be derived on levelised basis at discount factor equivalent to Post Tax weighted average cost of capital.

- (c) It shall be assumed that the generating company shall avail the benefit of accelerated depreciation and the onus of establishing, to the satisfaction of distribution licensee, that it is not entitled for this benefit shall be that of such generating company. The auditor's certificate in this regard shall be considered sufficient for this purpose.

Provided further that where Central Government or the State Government has notified any Generation Based Incentive Scheme for a particular kind of renewable technology such technology based generating stations shall be assumed to have availed the benefit of such a scheme and their tariffs shall automatically be treated as reduced by the amount of GBI per unit.

26. Taxes and Duties

Tariff determined under these regulations shall be including direct taxes on income but exclusive of other taxes and duties as may be levied by the appropriate Government.

Provided that the taxes, duties and cess levied by the appropriate Government other than direct taxes shall be allowed as pass through on actual incurred basis.

27. Applicability of Tariff

- (1) The tariff shall be allowed to be recovered in the following manner:

A. For Small Hydro Power Plants opting generic tariff:

- (a) Till the actual CUF is less than or equal to annual CUF of 40%, tariffs would be payable at the levelised generic rates specified in the Regulations arrived at based on the normative CUF of 40%.
- (b) For generation beyond annual CUF of 40%, following will apply:
 - (i) For generation beyond annual CUF of 40% but upto annual CUF of 45%, tariff shall be Rs. 1.50/kWh.
 - (ii) For generation beyond annual CUF of 45%, incentive shall be equal to the levelised generic rates specified in the Regulations at CUF of 45% reduced by Rs. 0.75 per kWh. Such reduction of Rs. 0.75/kWh shall be made from the subsequent monthly bills only till the actual annual CUF reaches 55%.
 - (iii) For generation beyond actual annual CUF of 55%, incentive shall be equal to the levelised generic rates specified in the Regulations at CUF of 45%.

B. For generators opting for project specific tariffs, the tariff for generation beyond the applicable CUF (i.e. the CUF envisaged in the approved DPR or the normative CUF

specified for the relevant technology under Chapter 5, whichever is higher), shall be allowed to be recovered at the project specific tariff approved by the Commission.

- C. For additional capitalization as allowed by the Commission for restoration work, the tariff for generation beyond the applicable CUF to the generating station shall be allowed to be recovered at the project specific tariff approved by the Commission for such restoration work.

The annual CUF shall be calculated in accordance with the principles specified in Regulation 3(1)(viii) of the Regulations.

28. Applicability of Merit Order to RE Sources

Since RE Sources are dependent on vagaries of nature and are of small capacities, the principle of merit order dispatch/purchase shall not be applicable to supply of power from such sources to the distribution licensee or local rural grids within the State, i.e. they shall be treated as must run stations.

CHAPTER 5

TECHNOLOGY SPECIFIC PARAMETERS

29. Small Hydro Generating Plant

- (1) The technology specific parameters for determination of generic tariffs for Small Hydro Generating Stations commissioned or to be commissioned on or after 01.04.2023 shall be as follows:

Project Size	Capital Cost	O&M Expenses for year of commissioning	Capacity Utilization Factor*	Auxiliary Consumption
	(Rs. Lakh/MW)	(Rs. Lakh/MW)	(%)	(%)
upto 5 MW	1150	59.43	Generic Tariff- 40% Project Specific- 45%	1%
> 5 MW & upto 15 MW	1125	58.33		
> 15 MW & upto 25 MW	1100	47.54		

* for the recovery of Annual Fixed Charges.

NOTE. For the purpose of this Regulation, normative CUF is based on Energy Sent Out at interconnection point and for tariff purposes energy net of free power to the home State, if any, committed by the developer shall be factored. For generic tariff determination, home State share has been taken as 18% from 16th year onwards.

- (2) Normative O&M expenses allowed at the commencement of the Control Period, i.e. FY 2023-24 under these regulations shall be escalated at the rate specified under these Regulations for Tariff Period.

30. Biomass Power Projects based on Rankine Cycle Technology

- (1) The technology specific parameters for determination of generic tariffs for Biomass Power Projects based on Rankine Cycle Technology commissioned or to be commissioned on or after 01.04.2023 shall be as below:

(a) Capital Cost:

Biomass Rankine Cycle Projects	Capital Cost for the year of commissioning of project (Rs. Lakh/MW)
Projects [other than rice straw and julfiora (plantation) based projects] with water cooled condenser	559
Projects [other than rice straw and julfiora (plantation) based projects] with air cooled condenser	600
For rice straw and julfiora (plantation) based projects with water cooled condenser	611
For rice straw and julfiora (plantation) based projects with air cooled condenser	652

(b) Operation and Maintenance expenses

Normative O&M expenses for the first year of the Control period shall be Rs. 55.85 Lakh/MW. The Normative O&M expenses allowed for the year of commissioning shall be escalated at the rate of 5.72% per annum for subsequent years.

(c) Station Heat Rate

The Station Heat Rate of biomass power projects shall be

- (i) For projects using travelling grate boilers: 4200 kCal/kWh,
- (ii) For projects using AFBC boilers: 4125 kCal/kWh

(d) Plant Load Factor

- (1) For the purpose of determination of tariff, the Plant Load Factor shall be considered as 80%

(e) Auxiliary Consumption

The normative auxiliary consumption shall be as follows:

- (i) For projects using water-cooled condenser: 10%
- (ii) For projects using air-cooled condenser: 12%

(f) Use of Fossil Fuel and Monitoring Mechanism for the use of fossil fuel

- (1) The use of fossil fuels shall not be allowed.

Provided that for the biomass power projects commissioned on or before 31.03 2023, the use of fossil fuels to the extent of 15% in terms of calorific value on annual basis shall be allowed for the tariff period from the date of commissioning.

- (2) The Project developer shall furnish a monthly fuel usage statement and monthly fuel procurement statement duly certified by Chartered Accountant to the beneficiary (with a copy to appropriate agency appointed by the Commission for the purpose of monitoring the fossil and non-fossil fuel consumption) for each month, alongwith the monthly energy bill.

- (3) Non-compliance with the conditions of fossil fuel usage by the project developer, during any financial year, shall result in withdrawal of applicability of tariff as per these Regulations for such biomass based power project. However, such

defaulting biomass power project shall continue to sell power to the distribution licensee and the rate during the financial year in which default occurred shall be the rate lower by Rs. 1.50/kWh of the applicable variable tariff specified by the Commission.

(g) Calorific Value

The Calorific Value of the biomass fuel used for the purpose of determination of tariff shall be at 3100 kCal/kg.

(h) Fuel Cost

Biomass Fuel Price for the first year of the Control Period, i.e. FY 2023-24 shall be taken as Rs. 3005/MT, unless specifically reviewed by the Commission. For each subsequent year of the Tariff Period, the normative escalation factor of 5% on previous year's fuel cost shall be applicable to determine the fuel cost for different years of the Tariff Period.

31. Non-fossil fuel based Cogeneration Projects

- (1) A project shall qualify as a non-fossil fuel based Co-generation project, if it is in accordance with the eligible criteria as specified under Regulation 4(2)(e) of these regulations.
- (2) The technology specific parameters for determination of generic tariffs for Non-fossil fuel based Cogeneration Projects commissioned or to be commissioned on or after 01.04.2023 shall be as follows:

Capital Cost	O&M Expenses for year of commissioning	Station Heat Rate	Calorific value of fuel	Auxiliary Consumption	Plant Load Factor
(Rs. Lakh/MW)	(Rs. Lakh/MW)	(kCal/kWh)	(kCal/kg)		
492	29.52	3600	2250	8.5%	45%

- (3) Fuel Cost (P) for the first year of the Control Period, i.e. FY 2023-24 shall be taken as Rs. 2493/MT, unless specifically reviewed by the Commission. For each subsequent year of Tariff Period, the normative escalation factor of 5% on previous year's fuel shall be applicable to determine the fuel cost for different year of Tariff Period.
- (4) For use of biomass other than bagasse in co-generation projects, the biomass prices as specified under Regulation 30(1)(h) shall be applicable.

32. Biomass Gasifier Power Projects

- (1) The technology specific parameters for determination of generic tariffs for Biomass Gasifier

Power Projects commissioned or to be commissioned on or after 01.04.2023 shall be as follows.

Type of Project	Capital Cost (Rs. Lakh/MW)	O&M Expenses for year of commissioning (Rs. Lakh/MW)	Specific Fuel Consumption Kg/kWh	Auxiliary Consumption	Capacity Utilization Factor
Pine leaves based Biomass Gasifier projects	625.00	132.00	1.50	10%	85%
Other Biomass Gasifier Projects	592	73.75	1.25		

- (2) Fuel Price (P) for the first year of the Control Period, i.e. FY 2023-24 shall be taken as Rs. 3005/MT for all type of Biomass Gasifier based power projects, unless specifically reviewed by the Commission. For each subsequent year of the Tariff Period, the normative escalation factor of 5% on previous year's fuel cost shall be applicable to determine the fuel cost for different years of the Tariff Period.

(3) Fuel Mix

- (a) The Biomass Gasifier based Power Plant shall be designed in such a way that it uses different types of non-fossil fuels available within the vicinity of Biomass Power Project such as crop residues, agro-industrial residues, forest residues etc and other biomass fuels as may be approved by MNRE.
- (b) The Biomass Gasifier based Power Generating Companies shall ensure fuel management plan to ensure adequate availability of fuel to meet the respective project requirements.

33. Biogas based Power Projects

- (1) The norms for tariff determination specified hereunder are for grid connected Biogas based Power Projects that uses 100% Biogas fired engine, coupled with Biogas technology for co-digesting agriculture residues, manure and other bio waste as may be approved by MNRE. The technology specific parameters for determination of generic tariffs for Biogas based Power Projects commissioned or to be commissioned on or after 01.04.2018 shall be as follows:

Capital Cost (Rs. Lakh/MW)	O&M Expenses for year of commissioning (Rs. Lakh/MW)	Specific Fuel Consumption (kg/kWh)	Auxiliary Consumption	Capacity Utilization Factor
1185	71.00	3.00	12%	90%

- (2) Feed stock price (P) for the first year of the Control Period, i.e. FY 2023-24 shall be taken as Rs. 1693/MT (net of any cost recovery from digester effluent), unless specifically reviewed by the Commission. For each subsequent year of the Tariff Period, the normative escalation factor of 5% on previous year's fuel cost shall be applicable to determine the fuel cost for different years of the Tariff Period.

34. Solar PV Power Project

Norms for Solar Photovoltaic (PV) power project under these Regulations shall be applicable for grid connected PV systems that directly convert solar energy into electricity and exclusively installed for the purpose of sale of entire electricity to distribution licensee and are based on the technologies such as crystalline silicon or thin film etc. as may be approved by MNRE. The technology specific parameters for determination of generic tariffs for Solar PV Power Projects commissioned or to be commissioned on or after 01.04.2023 shall be as follows:

Capital Cost (Rs. Lakh/MW)	O&M Expenses for year of commissioning (Rs. Lakh/MW)	Capacity Utilization Factor
345.11	16.24	19 %

35. Canal bank Solar PV Plants and Canal top Solar PV Plants

Norms for canal bank Solar PV Power Plants and canal top Solar PV Power Plants under these Regulations shall be applicable for grid connected PV systems that directly convert solar energy into electricity and are based on the technology specific parameters for determination of generic tariffs for such power projects commissioned or to be commissioned on or after 01.04.2023 shall be as follows:

Type Solar PV Plant	Capital Cost (Rs. Lakh/MW)	O&M Expenses for year of commissioning (Rs. Lakh/MW)	Capacity utilization Factor
Canal Bank Solar PV Plant	400.00	16.24	19%
Canal Top Solar PV Plant	425.00		

36. Solar Thermal Power Project

Norms for Solar thermal power under these Regulations shall be applicable for Concentrated solar power (CSP) technologies viz. line focusing or point focusing, as may be approved by MNRE, and uses direct sunlight, concentrating it several times to reach higher energy densities and thus higher temperatures whereby the heat generated is used to operate a conventional power cycle to generate electricity. The technology specific parameters for determination of generic tariffs for Solar Thermal Power Projects commissioned or to be commissioned on or after

01.04.2023 shall be as below:

Capital Cost (Rs. Lakh/MW)	O&M Expenses for year of commissioning (Rs. Lakh/MW)	Capacity Utilization Factor	Audliary Consumption
1200	22 14	23%	10%

37. Grid Interactive Roof-top Solar PV Plants (GRPV)/Grid Interactive Small Solar PV Plants (GSPV)

- (1) The technology specific parameters for determination of generic tariff for GRPV/GSPV commissioned or to be commissioned on or after 01.04.2023 shall be as below:

Project Size	Capital Cost (Rs /kW)	O&M Expenses for year of commissioning (Rs./kW)	Capacity Utilization Factor
Upto 10 kW	47691	2149	19 %
>10 kW & upto 100 kW	43753	1912	
>100 kW & upto 500 kW	41276	1735	
>500 kW and upto 1 MW	40074	1624	

- (2) GRPV/GSPV can be installed for injecting power into the distribution system of a licensee by any Eligible consumer:

Provided that the maximum GRPV/GSPV installed capacity at any Eligible Consumer's premises shall be upto a maximum of 100% of consumer's sanctioned load/contract demand,

Provided that in case of Domestic Consumer, such installed capacity of GRPV/GSPV shall be irrespective of consumer's sanctioned load/contract demand;

Provided, the maximum installed capacity of GRPV/GSPV at the premises of eligible consumer shall not be more than 1 MW.

- (3) Injection from GRPV/GSPV owned by the Eligible consumer or by third party shall be settled on Net Energy basis at the end of each Billing period.

- (4) The tariff, as per tariff orders of the Commission, in respect of the supply of electricity to the consumers by the distribution licensee shall be applicable for the Net Energy supplied by the licensee in a billing period if the supplied energy by the licensee is more than the energy injected by the GSPV/GSPV of the consumer or by third party.

Provided that such eligible consumer shall be exempted from payment of monthly minimum charges/monthly minimum consumption guarantee charges, if any, equivalent to the capacity of GRPV/GSPV installed at the premises;

Provided further that no open access charges including surcharges shall be leviable on such eligible consumers for the captive use of power

- (5) If in a billing period the supplied energy by the licensee is less than the energy injected by the GRPV/GSPV of the consumer/prosumer or the third party, subject to provisions in sub-Regulation (3) above, the licensee would pay to such prosumer at the generic tariff as may be specified by the Commission or at the rate discovered through tariff based bidding process whichever is lower for such Net Energy supplied to it.
- (6) Provisions of Deemed Generation shall not be applicable on GRPV/GSPV
- (7) The cumulative capacity of GRPV/GSPV which can be connected to a single transformer shall not exceed the capacity of such transformer.
- (8) In case any augmentation is required for the purpose of connecting GRPV/GSPV, Distribution Licensee shall facilitate and bear the capital expenditure on account of such system strengthening/augmentation upto the interconnection point from nearest sub-station.
- (9) Virtual Net Metering Framework shall be applicable for consumers under domestic category, offices of Government /Local Authorities.

38. Wind Energy Project

- (1) The technology specific parameters for determination of generic tariffs for Wind Projects commissioned or to be commissioned on or after 01.04.2023 shall be as below:

Capital Cost (Rs. Lakh/MW)	O&M Expenses (Rs. Lakh/MW)	Annual Mean Wind Power Density (W/m ²)	Capacity Utilization Factor
515	12.55	Upto 220	22%
		221-275	24%
		276-330	28%
		331-440	33%
		>440	39%

NOTE:

- (a) For applicability of tariff, the generating company shall provide duly validated information on annual mean wind power density. The annual mean wind power density specified above, shall be measured at 100 meter hub-height.
- (b) For the purpose of classification of wind energy project into particular wind zone class, as per MNRE guidelines for wind measurement, wind mast either put-up by National Institute of Wind Energy (NIWE) or a private developer duly validated by NIWE

would be normally extended 10 km from the mast-point to all directions for uniform terrain and limited to appropriate distance in complex terrain with regard to complexity of the site. Based on such validation by NIWE, State Nodal Agency should certify zoning of the proposed wind farm complex.

39. Municipal Solid Waste based Projects

- (1) The norms for tariff determination specified hereunder are for power projects which use Municipal Solid Waste (MSW) and Refuse Derived Fuel (RDF) and are based on Rankine cycle technology application, combustion or incineration, Bio-methanation, Pyrolysis and High end gasifier technologies. Norms regarding Capital Cost, Plant Load Factor, Auxiliary Consumption etc shall be for the projects commissioned or to be commissioned on or after 01.04.2023 shall be as follows:

Project	Capital Cost	O&M Expenses for year of commissioning	Plant Load Factor	Auxiliary Consumption	Station Heat Rate	Calorific value
	(Rs. Lakh/MW)	(Rs Lakh/MW)			kcal/kWh	kcal/kg
MSW	1500	6% of the project cost for 1 st year and shall be escalated @ 5.72% per annum	65% during stabilization & first year. 75% from second year onwards.	15%	4200	-
RDF	900	6% of the project cost for 1 st year and shall be escalated @ 5.72% per annum	65% during stabilization & first year. 80% from second year onwards.	15%	4200	2500

NOTE:

- (a) No fuel cost shall be considered for determination of tariff for the power projects using Municipal Solid Waste.
- (b) RDF Fuel Price (P) for the first year after notification of these Regulations shall be taken as Rs. 2297/MT, unless specifically reviewed by the Commission. For each subsequent year of the Tariff Period, the normative escalation factor of 5% on previous year's fuel cost shall be applicable to determine the fuel cost for different years of the Tariff Period

40. Generic Tariffs

The generic tariffs for the above-mentioned technologies are given in Annexure-I.

CHAPTER 6

MISCELLANEOUS

41. Virtual Net Metering and Group Net Metering

- (1) The capacity of the renewable energy plant under Group Net Metering or Virtual Net Metering framework to be installed by any consumer(s) shall not be less than 5 kW and more than 75 kW
- (2) The Procedure for billing and energy accounting of electricity connection(s) under Group Net Metering shall be in accordance with the provision of these regulations

A. Procedure for billing and energy accounting under Group Net Metering

- (3) Where the export of units during any billing period exceeds the import of units at the connection where solar power plant is located, such surplus units injected into the grid shall be adjusted against the energy consumed in the monthly bill of the service connection(s) in a sequence indicated in the priority list provided by the consumer. The sequence of priority for adjustment shall be deemed to be with the service connection where the solar power plant is located.
- (4) The priority list for adjustment of the balance surplus energy against other electricity connection(s) may be revised by the consumer once in every financial year with an advance notice of two months
- (5) The electricity consumption in any time block (e.g., peak hours, non-peak hours, etc.) shall be first compensated with the electricity generation in the similar time blocks in the same billing cycle of the consumer where the solar power plant is located and any surplus units injected shall be adjusted against the energy consumed in the monthly bill of service connection(s) in a sequence indicated in the priority list provided by the consumer as if the surplus generation/ Energy Credit occurred during the non peak time block of Time of Day (ToD) consumers and normal time block for Non-ToD consumers.
- (6) Where during any billing period the export of units either in Non-ToD tariff or ToD Tariff exceeds the import of units by the electricity service connection(s), such surplus units injected by the consumer shall be billed to licensee at the generic tariff as may be specified by the Commission or at the rate discovered through tariff based bidding process whichever is lower

B. Procedure for billing and energy accounting under Virtual Net Metering Framework

- (1) The energy generated from solar power plant shall be credited in the monthly electricity bill of each participating consumer(s) as per the ratio of procurement from solar power plant indicated under the agreement/MoU entered by the consumer(s).
- (2) The consumer(s) shall have the option to change the share of credit of electricity from solar power plant subject to the ratio of procurement from solar power plant indicated under the agreement/MoU entered by the consumer(s) once in the financial year with an advice notice of two months.
- (3) Where the service connection of any participating consumer(s) is disconnected due to any reason under any law for the time being in force, the unadjusted units/remaining credits of that consumer shall be paid by the distribution licensee at the end of financial year.
- (4) The electricity consumption in any time block (eg. Peak hours, non-peak hours, etc.) shall be first compensated with the electricity generation in the similar time blocks in the same billing cycle of the participating consumer(s). Any surplus generation over consumption in any time block in a billing cycle shall be accounted as if the surplus generation/ energy credits occurred during the non-peak time block.
- (5) Where the units credited during any billing period of any participating consumer exceeds the import of units by that consumer, licensee would be billed at the generic tariff as may be specified by the Commission or at the rate discovered through tariff based bidding process whichever is lower for such surplus.

42. Transmission Charges, Wheeling Charges and Losses

- (1) **Transmission Charges** For non-discriminatory 'open access' to the intra-State transmission system for carrying the electricity generated by the RE Based Generating Stations or Co-generating Stations to the destination of use, the RE generator or the consumer, as the case may be, shall have to pay the transmission charges and wheeling charges for use of intra-state transmission system and distribution system which shall be calculated based on the principles specified in UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015 read with amendments from time to time:

Provided that no Transmission and Wheeling Charges are payable for sale of electricity to distribution licensee or to local rural grid within the State;

Provided further that where a generating company proposes to supply electricity outside the State, such generating company, in addition to transmission/wheeling charges specified above, shall have to bear the transmission/wheeling charges determined by the Commission on case to case basis for the dedicated lines and substation of the transmission/distribution licensee used only for evacuation of such power,

Provided further that where more than one generating company proposes to supply electricity outside the State over common dedicated transmission/distribution system of transmission/distribution licensee for evacuation of their power, such generating companies, in addition to transmission/wheeling charges specified above, shall have to bear the full transmission/wheeling charges determined by the Commission on case to case basis for such dedicated lines and substation of the transmission/distribution licensee used only for evacuation of such power on pro-rata basis of installed capacity.

- (2) In addition to Transmission and Wheeling Charges, the losses in the intra-State Transmission/ Distribution System and dedicated lines and sub-stations, if applicable as above, shall be adjusted in kind based on the principles specified in UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015 read with amendments from time to time.

Provided further that no losses shall be adjusted in kind for sale of electricity to distribution licensees within the State or to local rural grid.

43. Evacuation of Power

- (1) Distribution Licensees shall provide connectivity to the RE Based Generating Stations having capacity upto 25 MW at its nearest distribution sub-station preferably within a range of 10 kilometers from the location of such generating station. They may further mutually agree to provide connectivity at appropriate voltage level subject to technical feasibility and technical standards for construction of electrical lines and connectivity with the grid as may be specified by CEA.

Provided further that where more than one RE based Generating Stations having cumulative installed capacity less than 25 MW are located in a cluster/area and for the purpose of evacuation, these generating stations agree to pool their generation at a common pooling switching station to be constructed by them at their own cost and further beyond such pooling switching station, the Distribution Licensee shall provide connectivity at its nearest sub-station. They may further mutually agree to provide connectivity at appropriate

voltage level subject to technical feasibility and technical standards for construction of electricity lines and connectivity with the grid as may be specified by CEA. However, such generating stations shall be eligible for additional levelised tariff as specified under Regulation 16(1)(c) of these Regulations, only if they construct the line from pooling sub-station to the nearest sub-station at their own costs.

- (2) Transmission Licensee shall provide connectivity to the RE Based Generating Stations having installed capacity more than 25 MW, at its nearest transmission sub-station preferably within a range of 10 kilometers from the location of such generating station. They may further mutually agree to provide connectivity at appropriate voltage level subject to technical feasibility and technical standards for construction of electrical lines and connectivity with the grid as may be specified by CEA:

Provided that any RE based Generating Station having capacity upto 25 MW is willing to connect and evacuate power through 132 kV & above transmission system, it may do so subject to consent of the Transmission Licensee.

Provided further that where more than one RE based Generating Stations having cumulative installed capacity more than 25 MW are located in a cluster/area and for the purpose of evacuation, these generating stations agree to pool their generation at a common pooling switching station to be constructed by them at their own cost and further beyond such pooling switching station, the Transmission Licensee shall provide connectivity at its nearest sub-station. They may further mutually agree to provide connectivity at appropriate voltage level subject to technical feasibility and technical standards for construction of electricity lines and connectivity with the grid as may be specified by CEA. However, such generating stations shall be eligible for additional levelised tariff as specified under Regulation 16(1)(c) of these Regulations, only if they construct the line from pooling sub-station to the nearest sub-station at their own costs.

- (3) In case RE based Generating Stations exercise the option to construct the evacuation system including the line upto the nearest substation of Transmission/Distribution Licensee, the required bay terminal equipments, associated synchronization equipments and above pooling switching station, if any, etc. the cost of such evacuation system shall be borne by such generating stations.

Provided that such Generating Stations may also get the work of construction of the power evacuation system carried out by State transmission/distribution licensee;

Provided further that the land for extending the bay shall be provided by the owner of the transmission or distribution sub-station, as the case may be, free of cost

44. Maintenance of Transmission lines and Equipment

- (1) The Generating Stations shall be responsible for the maintenance of terminal equipment at the generating end and the dedicated transmission lines including pooling Switching station, if any, owned by such generating stations. However, transmission/distribution licensees, as the case may be, may carry out maintenance of the dedicated transmission line including pooling switching station, if any, if so desired by the generating company(s), on mutually agreed charges.
- (2) The Distribution Licensee or the Transmission Licensee or the state transmission utility, as the case may be, shall be responsible for maintenance of the terminal equipment(s) at the sub-station of the concerned licensee.

45. SLDC Charges

For sale to person other than the Distribution Licensees or to Local Rural Grid principles of optimum scheduling and dispatch as per IEGC and State Grid Code scheme shall apply and for this purpose RE based Generating Stations shall be required to pay such fee to the SLDC as specified under UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015.

46. Connectivity and Metering arrangement for GRPV/GSPV

- (1) GRPV/GSPV shall be allowed connectivity at the following voltage level in the distribution system of the licensee:
 - (i) Load upto 4 kW: low voltage single phase supply.
 - (ii) Load >4 kW and upto 75 kW: low voltage three phase supply.
 - (iii) Load >75 kW and upto 1000 kW: at 11 kV.
- (2) If any dispute arises about connectivity of such sources with the grid, the matter shall be referred to the Commission whose decision in this regard shall be final
- (3) Supply of electricity to the consumer(s) from the licensee's sources and that to the licensee's distribution system from the roof-top Solar PV sources shall be measured either by two separate meters, the readings of which shall be used in each billing period for settlement on Net basis or alternatively by an export import type meter suitable for directly measuring

the Net exchange.

- (4) The cost of switch gear, metering and protection arrangement at generator end shall have to be borne by the owner of solar generators. However, Check Meter with same specification of Main Meter shall be provided by distribution licensee.

Provided that Check Meter and related equipments can be procured by such plant owner. However, the cost of Check Meter shall be refunded by the licensee to such plant owner. The cost of the check meter to be refunded would be, lower of the following:

- a. Actual cost of meter; or
- b. Highest rate discovered through Competitive Bidding Process of licensee escalated by 25%

- (5) For interconnection of Grid interactive Roof Top and Small Solar PV Plants with the distribution licensee's grid, the relevant provisions of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 as amended from time to time shall apply.

- (6) The Grid interactive Roof Top and Small Solar PV Plants shall be responsible for safe operation, maintenance and rectification of defect of its system up to the interconnection point beyond which the responsibility of safe operation, maintenance and rectification of any defect in the system including the meters shall rest with the distribution licensee.

- (7) The eligible consumer shall be solely responsible for any incidents/accident to human being/ animals whatsoever (fatal/nonfatal/departmental/non-departmental/damages to material of the licensee) that may occur due to back feeding from the solar plant when the grid supply is off and such consumer shall not only bear the cost of the damages to the material of the licensee but also compensate for the life of any human being/ animals in case of such incidents/accidents. The distribution licensee reserves the right to disconnect the consumer's installation at any time in the event of such exigencies to prevent accident or damage to man and material.

47. Metering Arrangement

- (1) For sale to Distribution Licensees or Local rural Grid, RE based Generating Station shall provide meters at the point of interconnection (as defined under these regulations complying with the Regulations on installation of meters specified by CEA.
- (2) For sale to person other than the Distribution Licensees or Local Rural Grid RE based

Generating Station shall provide ABT compatible Special Energy Meters at the point of interconnection complying with the Regulation on installation of meters specified by CEA.

48. Energy Accounting and Billing

The State Load Dispatch Centre shall carry out scheduling and accounting of energy sent out by the generators and the same shall be communicated to the utilities interacting with the grid as per the scheme framed by SLDC in pursuance of the provisions of IEGC, State Grid Code and Open Access Regulations. Billing for open access transactions shall be done in accordance with the Open Access Regulations.

Provided that in case of sale to the distribution licensee of the area, the power purchase agreement may provide for joint meter reading and in such cases, energy accounting and billing shall be done by the generating station in coordination with the concerned distribution licensee.

49. Purchase of Electricity by the Generating station including Start up Power

- (1) Any person, who establishes, maintains and operates a generating station and normally does not need power from the licensee round the year, may purchase electricity from a generating company or a distribution licensee in case his plant is not in a position to generate electricity to meet the requirement of his own use or for start up and consequently power is required to be drawn from distribution licensee

Provided that in case electricity generated from the plant is being exclusively sold to the State Distribution Licensee, the electricity (in kWh) procured by the Generating Station from the State Distribution Licensee to meet its requirement of his own use or for startup power, will be adjusted from the electricity sold to the Distribution Licensee on month to month basis. The Distribution Licensee shall make the payment for net energy sold to it by the Generating Company, i.e. difference of the total energy injected into the grid and energy drawn from the grid by the Generating Company

In case the energy supplied by the distribution licensee is more than the energy injected by the generating company, the net energy (in kWh) thereof shall be charged as per the tariff determined by the Commission for temporary supply under appropriate "Rate Schedule of tariff" for Industrial Consumers considering maximum demand during the month as the contracted demand for that month. The Fixed/Demand charges for that month shall be payable for the number of days during which such supply is drawn.

Provided further that in case electricity generated from the plant is sold to third party other than the Distribution Licensee, then such purchase of electricity by the generating company from the distribution licensee, shall be charged as per the tariff determined by the Commission for temporary supply under appropriate "Rate Schedule of tariff" for Industrial Consumers considering maximum demand during the month as the contracted demand for that month. The Fixed/Demand charges for that month shall be payable for the number of days during which such supply is drawn.

50. Banking of Power (Applicable only in case of Captive RE sources Generating Plants & Non-fossil fuel based Co-generating Stations)

- (1) The Generating Stations shall be allowed to bank power within a period of one calendar month, for the purpose of withdrawal of the banked power in the event of emergency or shut down or maintenance of the plant, subject to following conditions
 - (a) Banking of energy upto 100%, as agreed between the plant and the distribution licensee, shall be allowed during the period declared by the Commission as peak hours from time to time in its Tariff Orders.
 - (b) Withdrawal of power shall be allowed only during the period other than the period declared by the Commission as peak hours from time to time in its Tariff Orders.
 - (c) The plants shall provide ABT compliant Special Energy Meters and the monthly settlement of energy sales shall be done based on Power supplied during the peak hours as per SEM meter readings shall be considered as banked power.
 - (d) Upon introduction of intra-state ABT in the State, the banking as well as withdrawal of banked energy shall be subject to day ahead scheduling.
 - (e) The power withdrawn by the plant as ascertained by SEM readings, which could not be considered as withdrawal from banked power, shall be considered as power purchased by the plant.
 - (f) The purchase of power by these plants under clause (e) or otherwise shall be charged as per the provisions of Regulation 49 above
 - (g) A Generating Station shall be allowed to withdraw power that was banked during a particular financial year in the same year

- (h) The banked power remaining unutilized on the expiry of the financial year would be treated as sale and the financial settlement shall be made at the tariff determined by the Commission in its Tariff Order for the year during which the power was banked or at the generic tariff specified by the Commission in case of a Non-fossil fuel based Co-generating Stations. No banking charges shall be deducted from such unutilized banked energy.
- (i) Banking charges shall be adjusted in kind @ 8% of the energy banked.
- (j) In case of a Non-fossil fuel based Co-generating Stations, which is not a captive generating plant, the facility of banking shall apply only if it has a PPA with the distribution licensee in the State.
- (k) The energy banked during non-peak hours (TOD slots) shall be permitted to be drawn during non-peak hours (TOD slots) by only paying the banking charges and from non-peak hours (TOD slot) to peak hours (TOD slot) by paying charges in kind @ equivalent to % of difference between the Peak hours energy charge rate and Normal hours energy charge rate (as defined in the respective Tariff Orders issued by the Commission) of the energy banked in addition to the above banking charges specified under these regulations.

51. Deemed Generation

(Applicable only in case of Small Hydro Generating Plants & Solar PV Plants & Solar Thermal Projects excluding Solar power plants installed under net metering arrangement)

- (1) After the COD of the Project, loss of generation at the Station on account of reasons attributed to the following, or any one of the following, shall count towards Deemed Generation.
- Non availability of evacuation system beyond the Interconnection Point, and
 - Receipt of backing down instructions from the SLDC.

Provided that the following shall not count towards Deemed Generation

- (i) The loss of generation at the Station on account of aforesaid factor(s) but attributed to the Force Majeure event(s),
- (ii) The loss of generation at the Station due to the interruptions/outages attributed to the aforesaid factor(s) during the period in which the total duration of such outages/interruptions, other than that excluded under above, is within the limit of

- 48 hours in a month in case of small hydro project, and
- 12 hours in a month in case of solar PV and Solar Thermal Project

Provided that for working out the ceiling of 12 Hrs. in a month for Solar PV and Solar Thermal Projects, the interruptions/ outages occurring during 18.00 hours in the evening to 6.00 hours in the morning shall not be counted;

The distribution licensee shall be required to maintain the voltages at the point of interconnection with the project within the limits stipulated hereunder, with reference to declared voltage.

- In the case of 11 kV Voltage level, +6% and -9%; and,
- In the case of 33 kV and above Voltage level, as per State Grid Code

Any loss in generation due to variations in the voltage beyond the limits specified above shall be reckoned as deemed generation provided such loss of generation results in reduction of more than 25% of capacity output

- (2) The period of outage/interruption on account of such factor(s) specified in sub-Regulation 1 and 2 above, shall be reconciled on monthly basis and the loss of generation at the station towards Deemed Generation after accounting for the events specified under sub-Regulation 1 (i) & (ii) above, shall be computed on following considerations

- (i) The recovery on the above account shall be admissible if the actual energy generated during the year is less than the normative CUF specified in the Regulation for small hydro projects and Solar PV and solar thermal projects (in case of project opting for generic tariff) or the CUF considered for recovery of fixed charges (in case of project specific tariff is applicable) for small hydro projects and solar PV and solar thermal projects. In case the sum of actual energy generated and the deemed generation during the year exceeds the CUF at which the recovery of fixed charges has been envisaged, then the deemed generation alongwith the actual energy generated will be allowed only upto the CUF considered.

- (ii) The generation loss towards the Deemed Generation in accordance with sub-Regulation (i) above, if any, during the month shall be considered on the pro-rata basis on the number of hours lost based on the actual average generation achieved during that month divided by the total number of hours available during the month reduced by the number of hours outage/interruption occurred in the system.

(ii) The generation loss towards the Deemed Generation (in MWh) in accordance with sub-Regulation (ii) above, if any, during the month shall be considered as the summation of the product of number of hours the variations in voltage beyond the specified limit existed and the Generation lost (in MW) due to the variation in the voltage beyond the specified limit. The Generation lost (in MW) would be the difference between the following:

- (a) Minimum of the generation (in MW) before the variation in voltage occurred and the generation (in MW) achieved after 90 minutes immediately after variation in voltage was restored within the specified limit would be treated as the "Actual Generation" during the period when voltage variations occurred; and

Provided that if such variation in voltage continues for the entire month, generation (in MW) before such variation in voltage occurrence would be treated as the "Actual Generation".

- (b) The generation achieved during the period when variation in voltages took place.

- (3) The distribution licensee shall pay for the saleable deemed generation, on annual basis, for Small Hydro projects and Solar PV and Solar Thermal projects worked out on the basis of the deemed generation on the above lines, at the generic/project specific tariffs as applicable in accordance with the applicable RE Regulations. The settlement of payment towards deemed generation charges shall be carried out within 3 months of the completion of the financial year.

Provided that any charges paid by the distribution licensee towards deemed generation shall not be allowed as an expense to be pass through in tariffs. The distribution licensee will have to bear such charges,

Provided further that the deemed generation conditions stipulated above shall be applicable only on those Small Hydro projects and Solar PV and Solar Thermal projects who have signed a long term PPA with the distribution licensee;

Provided also that the deemed generation conditions shall be applicable only on the Small Hydro projects and Solar PV and Solar Thermal projects where the evacuation line is connected to 11 kV or higher voltage Grid Sub-station.

52. Savings

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the

Commission to make such orders as may be necessary to meet the ends of justice.

- (1) Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.
- (2) Nothing in these Regulations shall, expressly or implied, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

53. Power to Remove Difficulties

If any difficulty arises in giving effect to these regulations, the Commission may, of its own motion or otherwise, by an order and after giving a reasonable opportunity to those likely to be affected by such order, make such provisions, not inconsistent with these regulations, as may appear to be necessary for removing the difficulty

54. Power to Relax

The Commission, for reasons to be recorded in writing, may vary any of the provisions of these regulations on its own motion or on an application made before it by an interested person.

55. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these Regulations.

Annexure-1

1. Levelised rate of Fixed Charges (RFC) in Rs./kWh for SHPs (uptn 25 MW) commissioned on or after 01.04.2023:

Particulars	Upto 5 MW	Above 5 MW & upto 15 MW	Above 15 MW & upto 25 MW
Gross Tariff (CUF@ 40%)	7.96	7.54	7.14
Gross Tariff (CUF @ 45%)	7.07	6.70	6.35

2. Levelised rate of Fixed Charges (RFC) in Rs./kWh for Municipal Solid Waste (MSW) based Power Projects:

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	6.67
Less: Acc. Dep. Benefit	0.24
Net Tariff	6.43

3. Levelised rate of Fixed Charges (RFC) & Variable Charges in Rs./kWh for Refuse Derived Fuel (RDF) based Power Projects:

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	4.05
Less: Acc. Dep. Benefit	0.13
Net Tariff	3.91

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY	4.04	4.77	5.01	5.26	5.51	5.79	6.08	6.39	6.71	7.04	7.40	7.78	8.18	8.58	8.97	9.44	9.91	10.41	10.93	11.47	12.05	12.66	13.28	13.94	14.64
(Rs./kWh)																									

4. Levelised rate of Fixed Charges (RFC) & Variable Charges in Rs./kWh for Non-Fossil fuel based Co-generation Projects:

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.17
Less: Acc. Dep. Benefit	0.10
Net Tariff	3.07

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24	4.36	4.58	4.81	5.05	5.30	5.56	5.84	6.13	6.44	6.76	7.10	7.46	7.85	8.27	8.69	9.08	9.53	9.99	10.49	11.02	11.57	12.14	12.73	13.35	14.04
(Rs./kWh)																									

5. Levelised rate of Fixed Charges (RFC) & Variable Charges in Rs./kWh for Biomass Gasifier Projects:

A. For Pine leaves based Biomass Gasifier projects

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	4.72
Less: Acc. Dep. Benefit	0.08
Net Tariff	4.63

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.37	4.38	4.40	4.43	5.07	5.33	5.59	5.87	6.17	6.47	6.80	7.14	7.50	7.87	8.26	8.68	9.11	9.57	10.04	10.55	1.07	11.63	12.21	12.82	13.46

B. For Other Biomass Gasifier projects:

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.06
Less: Acc. Dep. Benefit	0.08
Net Tariff	2.98

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.7	4.38	4.60	4.83	5.07	5.33	5.59	5.87	6.17	6.47	6.80	7.14	7.50	7.87	8.26	8.68	9.11	9.57	10.04	10.55	11.07	11.63	12.21	12.82	13.46

6. Levelised rate of Fixed Charges (RFC) & Variable Charges in Rs./kWh for Biogas Projects:

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	4.22
Less: Acc. Dep. Benefit	0.15
Net Tariff	4.07

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	6.77	6.06	6.31	6.46	7.58	7.37	7.73	8.12	8.85	8.99	9.40	9.87	10.36	10.88	11.43	12.00	12.60	13.23	13.89	14.58	15.31	16.08	16.89	17.73	18.61

7. Levelised rate of Fixed Charges (RFC) for Canal Bank Solar PV and Canal Top Solar PV Power Projects:

Particular	Canal bank Solar PV Power Plants	Canal top Solar PV Power Plants
	(Rs./kWh)	
Gross Tariff	5.13	5.36
Less: Acc. Dep. Benefit	0.21	0.22
Net Tariff	4.92	5.13

8. Levelised rate of Fixed Charges (RFC) for Solar PV and Solar thermal Power Projects.

Particular	Solar PV Projects	Solar Thermal Projects
	(Rs./kWh)	
Gross Tariff	4.64	14.34
Less: Acc. Dep. Benefit	0.18	0.63
Net Tariff	4.46	13.70

9. Levelised rate for Fixed charges (RFC) for GSPV/GRPV:

Particular	Upto 10 kW Approved	Above 10 kW to 100 kW Approved	Above 100 kW to 500 kW Approved	Above 500 kW below 1 MW Approved
Levelised Tariff considering nil Subsidy				
Gross Tariff	6.29	5.71	5.33	5.11
Less: Acc Dep Benefit	0.25	0.23	0.22	0.21
Net Tariff	6.04	5.49	5.11	4.90
Levelised Tariff considering 20% Subsidy				
Gross Tariff	5.77	5.24	4.88	4.68
Less: Acc Dep Benefit	0.22	0.20	0.19	0.19
Net Tariff	5.55	5.03	4.69	4.49
Levelised Tariff considering 30% Subsidy				
Gross Tariff	5.51	5.00	4.65	4.46
Less: Acc Dep Benefit	0.21	0.19	0.18	0.17
Net Tariff	5.30	4.81	4.47	4.29
Levelised Tariff considering 40% Subsidy				
Gross Tariff	5.25	4.76	4.43	4.24
Less: Acc Dep Benefit	0.19	0.18	0.17	0.16
Net Tariff	5.05	4.58	4.26	4.08
Levelised Tariff considering 70% Subsidy				
Gross Tariff	4.47	4.05	3.76	3.59
Less: Acc Dep Benefit	0.14	0.13	0.13	0.12
Net Tariff	4.33	3.92	3.63	3.47
Levelised Tariff considering 80% Subsidy				
Gross Tariff	4.23	3.83	3.55	3.39
Less: Acc Dep Benefit	0.13	0.12	0.11	0.11
Net Tariff	4.11	3.71	3.44	3.29
Levelised Tariff considering 90% Subsidy				
Gross Tariff	4.04	3.65	3.38	3.23
Less: Acc Dep Benefit	0.10	0.10	0.09	0.09
Net Tariff	3.93	3.56	3.29	3.14

10. Levelised rate of Fixed Charges (RFC) for Wind Energy based Power Projects:

Particular	Rate of Fixed Charges (Rs./kWh)				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
Gross Tariff	5.20	4.47	4.09	3.47	3.27
Less: Acc Dep. Benefit	0.36	0.33	0.28	0.24	0.22
Net Tariff	4.85	4.14	3.81	3.23	3.05

11. Levelised rate of Fixed Charges (RFC) in Rs./kWh for Biomass Rankine Cycle based Power Project

A. Projects [other than rice straw and juliflora (plantation) based projects] with water cooled condenser based on Travelling grate boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	2.97
Less: Acc. Dep. Benefit	0.08
Net Tariff	2.90

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.44	4.67	4.90	5.14	5.40	5.67	5.95	6.25	6.56	6.89	7.24	7.60	7.98	8.38	8.80	9.24	9.70	10.18	10.69	11.23	11.79	12.38	13.00	13.65	14.33

B. Projects [other than rice straw and juliform (plantation) based projects] with water cooled condenser based on AFBC Boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	2.97
Less: Acc. Dep. Benefit	0.08
Net Tariff	2.89

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.44	4.57	4.90	5.14	5.40	5.67	5.95	6.25	6.56	6.89	7.24	7.60	7.98	8.38	8.80	9.24	9.70	10.18	10.69	11.23	11.79	12.36	12.96	13.48	14.33

C. Projects [other than rice straw and juliflora (plantation) based projects] with air cooled condenser based on Travelling grate boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.14
Less: Acc. Dep. Benefit	0.09
Net Tariff	3.06

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.45	4.84	5.10	5.36	5.62	5.90	6.20	6.51	6.84	7.18	7.54	7.93	8.31	8.72	9.16	9.62	10.10	10.60	11.13	11.69	12.28	12.89	13.53	14.21	14.92

D. Projects [other than rice straw and juliflora (plantation) based projects] with air cooled condenser based on AFBC Boilers

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.14
Less: Acc. Dep. Benefit	0.09
Net Tariff	3.05

E. For rice straw and juliflora (plantation) based projects with water cooled condenser based on

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.54	4.77	5.01	5.26	5.52	5.80	6.09	6.39	6.71	7.05	7.40	7.77	8.16	8.57	9.00	9.45	9.92	10.41	10.94	11.48	12.06	12.66	13.29	13.96	14.68

Travelling grate boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.10
Less: Acc. Dep. Benefit	0.08
Net Tariff	3.01

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.52	4.75	4.99	5.24	5.50	5.77	6.06	6.37	6.69	7.02	7.37	7.74	8.12	8.53	8.96	9.40	9.87	10.37	10.89	11.43	12.00	12.60	13.23	13.89	14.59

F. For rice straw and juliflora (plantation) based projects with water cooled condenser based on AFBC Boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.09
Less: Acc. Dep. Benefit	0.08
Net Tariff	3.01

Year	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.51	4.75	4.98	5.24	5.50	5.77	6.06	6.37	6.68	7.02	7.37	7.74	8.12	8.53	8.94	9.40	9.87	10.37	10.89	11.43	12.00	12.60	13.21	13.84	14.50	15.18	15.89	16.62

G. For rice straw and juliflora (plantation) based projects with air cooled condenser based on Travelling grate boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.27
Less: Acc. Dep. Benefit	0.09
Net Tariff	3.17

Year	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.54	4.77	5.01	5.26	5.52	5.80	6.09	6.39	6.71	7.05	7.40	7.77	8.16	8.57	9.00	9.45	9.92	10.42	10.94	11.48	12.04	12.62	13.21	13.81	14.43	15.07	15.73	16.41

H. For rice straw and juliflora (plantation) based projects with air cooled condenser based on AFBC Boilers.

Particular	Rate of Fixed Charges (Rs./kWh)
Gross Tariff	3.26
Less: Acc. Dep. Benefit	0.09
Net Tariff	3.17

Year	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
Variable Charges for 1 st year as FY 2023-24 (Rs./kWh)	4.54	4.77	5.01	5.26	5.52	5.80	6.09	6.39	6.71	7.05	7.40	7.77	8.16	8.57	9.00	9.45	9.92	10.42	10.94	11.48	12.04	12.62	13.21	13.81	14.43	15.07	15.73	16.41

Form-1.1: Form Template for (Wind Power or Small Hydro Project or Solar PV/Thermal)

Sl. No.	Assumption Head	Sub-Head	Sub-Head(2)	Unit	Values
1	Power Generation	Capacity	Installed Power Generation Capacity Capacity utilization Factor Commercial Operation date Useful Life	MW % MM/YYYY Years	
2	Project Cost	Capital Cost/MW	Normative Capital Cost Capital Cost Capital subsidy, if any Net Capital Cost	Rs. Lakh/MW Rs. Lakh Rs. Lakh Rs. Lakh	
3	Financial Assumptions	Debt Equity	Tariff Period: Debt Equity Total Debt Amount Total Equity Amount	Years % % Rs. Lakh Rs. Lakh /-	
		Debt Component	Loan Amount Moratorium Period Repayment Period (incl. Moratorium) Interest Rate	Rs. Lakh Years Years %	
		Equity Component	Equity Amount Return on Equity for first 10 years Return on equity 11 th Year onwards Discount rate	Rs. Lakh % p.a. % p.a. %	
		Depreciation	Depreciation Rate for first 12 years Depreciation Rate 13 years onwards Generation based incentives, if any	% % RS L.p.a.	
		Incentives	Period for Q3)	years	
4	Operation & Maintenance	Normative O&M Expenses O&M Expenses per annum Escalation factor for O&M expenses		Rs. Lakh/MW Rs. Lakh %	
5	Working Capital	O&M expenses Maintenance Spares Receivables Interest on working capital	% of O&M expenses)	Months % Months %p.a.	

Form - 2.1: Form Template for (Biomass Power, municipal solid waste, refuse derived fuel or Non-fossil fuel based Cogen) Parameter Assumptions

Sl.No.	Assumption Head	Sub-Head	Sub-Head (2)	Unit	Values
1	Power Generation	Capacity	Installed Power Generation Capacity Auxiliary Consumption factor PLF (during stabilization upto 6 months) PLF (during 1 st year after stabilization) PLF (2 nd yr onwards) Commercial Operation Date Useful Life	MW % % % % mm/yyyy Years	
2	Project Cost	Capital Cost/MW	Normative Capital Cost Capital Cost Capital subsidy, if any Net Capital Cost	Rs. Lakh/MW Rs. Lakh Rs. Lakh Rs. Lakh	
3	Financial Assumptions	<u>Debt Equity</u> <u>Debt Component</u> <u>Equity Component</u> <u>Depreciation</u> <u>Incentives</u>	Tariff Period Debt Equity Total Debt Amount Total Equity Amount Loan Amount Moratorium Period Repayment Period (incl'd Moratorium) Interest Rate Equity Amount Return on Equity for first 10 years Return on Equity 11 th year onwards Disbursal Rate Depreciation Rate for first 12 years Depreciation Rate 13 years onwards Generation Based incentives, if any Period for CBI	Years % % Rs. Lakh Rs. Lakh Rs. Lakh Year Year % Rs. Lakh %p.a. %p.a. % % % Rs. L p.a. years	
4	Operation & Maintenance	Normative O&M expenses O&M expense per annum Escalation factor for O&M expense		Rs. Lakh/MW Rs. Lakh %	
5	Working Capital	O&M expense Maintenance Spare Receivables Biomass stock Interest on working capital	(% of O&M expenses)	Months % Months Months % p.a.	
6	(Fuel related assumptions)	Station Heat Rate Fuel types & mix	During stabilization Post stabilization Biomass fuel type-1 Biomass fuel type-2 Municipal Solid Waste fuel Refuse Derived Fuel Fossil fuel (coal) GCV of Biomass fuel type-1 GCV of Biomass fuel type-2 GCV of fossil fuel (coal) Biomass Price (fuel type-1)-yr-1 Biomass Price (fuel type-2)-yr-1 Fossil fuel price (coal) yr-1 Fuel price escalation factor	Kcal/kWh Kcal/kWh % % % % % kCal/kg kCal/kg kCal/kg Rs./MT Rs./MT Rs./MT % p.a.	

Form 2.2 Form Template for (Biomass Power or Non-fossil based Cogen): Determination of Tariff Components

Unit Generation	Year																																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40				
Installed Capacity MW																																												
Net Generation MU																																												

Tariff Components (Fixed charge)	Year																																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40				
Debt Expenses																																												
Depreciation																																												
Interest on term loan																																												
Interest on working Capital																																												
Return on Equity																																												
Total Fixed Cost																																												

Tariff Components (Variable charge)	Year																																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40				
Biomass fuel type-1																																												
Biomass fuel type-2																																												
Municipal Solid Waste																																												
Refuse Derived Fuel																																												
Fossil fuel (co)																																												
Sub-total (Fuel Costs)																																												
Fuel cost allocable to power																																												
Total Fuel Cost																																												

Per Unit Tariff (Components)	Year																																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40				
FD & O&G Expenses																																												
FD Depreciation																																												
FD Interest on term loan																																												
FD Interest on working Capital																																												
FD Return on Equity																																												
FD Total Fixed Components (Fixed)																																												
FD Total Fixed Components (Variable)																																												
FD Total Fixed Components (Total)																																												

Levelised Tariff	Year																																											
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40				
Discount Factors																																												
Discount of Tariff Components (Fixed)																																												
Discount of Tariff Components (Variable)																																												
Discount Tariff Components (Total)																																												
Levelised Tariff (Fixed)																																												
Levelised Tariff (Variable)																																												
Levelised Tariff (Total)																																												

By Order of the Commission,

NFFRAJ SATI,

Secretary

Uttarakhand Electricity Regulatory Commission

पी0एस0यू0 (आर0ई0) 34 हिन्दी गजट/317-भाग 1-क 2023 (कम्प्यूटर/रीजियो)।

मुद्रक एवम् प्रकाशक-अपर निदेशक, राजकीय मुद्रणालय, उत्तराखण्ड, रुड़की।



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 26 अगस्त, 2023 ई0 (भाद्रपद 04, 1945 शक सम्वत्)

भाग 7

इलेक्शन कमीशन ऑफ इण्डिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

आदेश

11 अगस्त, 2023 ई0

सं 76/उत्तराखण्ड-वि.स./30/2022/सी.ई.एम.एस.-II-यत उत्तराखण्ड राज्य की 30-पिरान कलियर विधान सभा क्षेत्र के साधारण निर्वाचन 2022 अभिलेखिका नं 464/उत्तराखण्ड-वि.स.30/2022 दिनांक 21.01.2022 के जरिए की गई थी।

यत लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 78 के अनुसार, निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को, निर्वाचित अभ्यर्थी के निर्वाचन की तारीख से 30 दिनों के भीतर निर्वाचन व्यय के अपने लेखे की मही प्रति जिला निर्वाचन अधिकारी को दाखिल करनी होती है और

यत 30-पिरान कलियर विधान सभा निर्वाचन क्षेत्र के रिटर्निंग अधिकारी द्वारा उक्त निर्वाचन का परिणाम 10 मार्च, 2022 को घोषित किया गया था। इस प्रकार, निर्वाचन व्यय का लेखा दाखिल करने की अन्तिम तारीख 09 अप्रैल, 2022 थी; और

यत, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड के द्वारा प्रस्तुत और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड द्वारा पत्र सं 2782/XXV-53/2022 देहरादून के जरिए अधेषित दिनांक 22/04/2022 की रिपोर्ट के अनुसार श्री शहबान, जो उत्तराखण्ड विधान सभा का साधारण निर्वाचन 2022 के निर्वाचन क्षेत्र 30-पिरान कलियर से लड़ने वाले अभ्यर्थी हैं, विधि द्वारा यथापेक्षित रीति से अपने निर्वाचन व्यय का कोई भी लेखा दाखिल करने में विफल रहे हैं; और,

यत, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड, और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड की उक्त रिपोर्टों के आधार पर भारत निर्वाचन आयोग द्वारा निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप नियम (5) के अंतर्गत निर्वाचन व्यय प्रस्तुत नहीं करने के लिए श्री शहबान, को कारण बताओ नोटिस सं 76/उत्तराखण्ड-वि.स./30/2022/सी.ई.एम.एस.-II, दिनांक 20 अक्टूबर, 2022 जारी किया गया था; और

यतः, निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप-नियम (6) के अनुसार, दिनांक 20 अक्टूबर, 2022 के उपर्युक्त कारण बताओ नोटिस के जरिए श्री शहबान, को निदेश दिया गया था कि वे इस नोटिस के प्राप्त होने के 20 दिनों के अंदर लेखा न प्रस्तुत कर पाने के कारणों को स्पष्ट करते हुए लिखित रूप में अपना अभ्यावेदन प्रस्तुत करें और साथ ही, निर्वाचन व्यय का अपना लेखा दाखिल करें; और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 ओ मुख्य निर्वाचन अधिकारी के पत्र सं0 891/XXV-22(I)/2008 दिनांक 15.06.2023 के द्वारा अघेष्टित कर आयोग को सूचना दी गई कि उक्त नोटिस अभ्यर्थी के द्वारा दिनांक 08.11.2022 को प्राप्त किया गया था; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022, दिनांक 12.04.2023, ओ मुख्य निर्वाचन अधिकारी पत्र सं0 891/XXV-22(I)/2008 दिनांक 15.06.2023 के द्वारा अघेष्टित कर भेजी गई अनुपूरक रिपोर्ट दिनांक 11.04.2023 में यह बताया गया है कि श्री शहबान, ने न तो कोई भी अभ्यावेदन और न ही अपने निर्वाचन व्यय का लेखा दाखिल किया है। इसके अतिरिक्त उन्होंने भारत निर्वाचन आयोग का सम्यक् नोटिस मिलाने के उपरांत भी उक्त विफलता के लिए न तो कोई कारण बताया है और न ही कोई स्पष्टीकरण दिया है और

यतः, आयोग का यह समाधान हो गया है कि श्री शहबान, निर्वाचन खर्चों का लेखा दाखिल करने में विफल रहे हैं और उनके पास इस विफलता के लिए कोई भी उचित कारण अथवा औचित्य नहीं है; और

यतः, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क में अनुबध्दित किया गया है कि:-
"यदि निर्वाचन आयोग का समाधान हो जाता है कि कोई व्यक्ति -

- (क) निर्वाचन व्ययों का लेखा उस समय के भीतर और उस रीति में जैसी इस अधिनियम के द्वारा या अधीन अघेष्टित है दाखिल करने में असफल रहा है; तथा
- (ख) उस असफलता के लिए कोई अच्छा कारण या व्याख्यान नहीं रखता है, तो निर्वाचन आयोग शासकीय राजपत्र में प्रकाशित आदेश द्वारा उसको निरर्हित घोषित करेगा और ऐसा व्यक्ति उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित होगा;

यतः, अब लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अनुसरण में भारत निर्वाचन आयोग एतद्वारा घोषणा करता है कि उत्तराखण्ड राज्य के 30-पिरान कलियर विधान सभा निर्वाचन क्षेत्र से उत्तराखण्ड राज्य में विधान सभा के साधारण निर्वाचन, 2022 में निर्वाचन लड़ने वाले अभ्यर्थी श्री शहबान, निवासी ग्राम- इमलीखेड़ा धर्मपुर, तहसील- रुरकी, जिला- हरिद्वार को इस आदेश की तारीख से तीन वर्ष की अवधि के लिए संसद के किसी भी सदन अथवा राज्य अथवा संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् का सदस्य चुने जाने अथवा होने के लिए निरर्हित है।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan Ashoka Road New Delhi-110001ORDER

August 11, 2023

No. 76/Uttarakhand-LA/30/2022/CEMS-III--WHEREAS, the General Election to 30-Piran Kaliyar Legislative Assembly of Uttarakhand 2022 was held vide Notification No. 464/Uttarakhand-LA/2022 dated 21st January, 2022

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election has to, within 30 days from the date of election of the returned candidate, lodge a true copy of the account of his election expenses with the District Election Officer; and,

WHEREAS, the result of the said election along with 30-Piran Kaliyar Assembly Constituency was declared by the concerned Returning Officer on 10th March, 2022. Hence, the last date for lodging the account of Election Expenses was 09th April, 2022; and,

WHEREAS, as per the report submitted by the District Election Officer, Haridwar, Uttarakhand and forwarded by the Chief Electoral Officer, Uttarakhand vide their letter No 2782/XXV-53/2022, dated 22nd April 2021, Shahban, a contesting candidate of Uttarakhand from 30-Piran Kaliyar Assembly Constituency of Uttarakhand, has failed to lodge account of his election expenses in the manner as required under law; and,

WHEREAS, on the basis of the reports of the District Election Officer Haridwar, Uttarakhand and the Chief Electoral Officer, Uttarakhand, a Show-Cause notice, 76/Uttarakhand -LA/2022/30/CEMS-II dated 20.10.2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to Shahban, for not lodging the account of Election Expenses; and,

WHEREAS, As per the sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, through the above said Show-Cause Notice, dated 20.10.2022, Shahban, was directed to submit his representation in writing with explaining the reasons for not lodging the account and to lodge account of election expenses within 20 days from the date of receipt of the notice; and,

WHEREAS, the said notice was received by the candidate on 08.11.2022. The acknowledgment receipt has been submitted to the Commission by the District Election Officer, Haridwar, vide its letter No 347/29-40-(निर्वाच्य-लेख)/2022 dated 12.04.2023; forwarded by Chief Electoral Officer, Uttarakhand, letter no 891/XXV-22(II)/2008 dated 15.06.2023; and,

WHEREAS, the District Election Officer, Haridwar, in his Supplementary Report dated 11.04.2023 vide its letter No 347/29-40-(निर्वाच्य-लेख)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer, Uttarakhand, letter no. 891/XXV-22(II)/2008 dated 15.06.2023 has

reported that Shahban has neither submitted any representation nor any statement of account of election expenses. Further, after receipt of the due notice of the Election Commission of India he has furnished neither any reason nor explanation for the said failure, and,

WHEREAS, the Commission is satisfied that Shahban, has failed to lodge the account of election expenses and has no good reason or justification for the failure,

WHEREAS Section 10 A of the Representation of the People Act, 1951 provides that:-

"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order'

NOW THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Shahban resident of Sikandarpur Village- Imlikhera Dharmpur, Tehsil- Roorkee, District- Haridwar, a contesting candidate from 30-Piran Kaliyar Assembly Constituency of the State of Uttarakhand in the General Election to the Legislative Assembly 2022 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order

आदेश

11 अगस्त, 2023 ई०

सं 78/उत्तराखण्ड-वि.स./28/2022/सी ई एम एस -II-यतः, उत्तराखण्ड राज्य की 28-भगवानपुर (अ०जा०) विधान सभा क्षेत्र के साधारण निर्वाचन 2022 अधिसूचना नं 484/उत्तरा०-वि०स०/2022 दिनांक 21.01.2022 के जर्जिए की गई थी।

यतः लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 78 के अनुसार, निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को, निर्वाचित अभ्यर्थी के निर्वाचन की तारीख से 30 दिनों के भीतर निर्वाचन व्यय के अपने लेखे की सही प्रति जिला निर्वाचन अधिकारी को दाखिल करनी होती है; और

यतः 28-भगवानपुर (अ०जा०) विधान सभा निर्वाचन क्षेत्र के रिटर्निंग अधिकारी द्वारा संक्त निर्वाचन का परिणाम 10 मार्च, 2022 को घोषित किया गया था। इस प्रकार, निर्वाचन व्यय का लेखा दाखिल करने की अन्तिम तारीख 09 अप्रैल, 2022 थी; और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड के द्वारा प्रस्तुत और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड द्वारा पत्र सं. 2782/XXV-53/2022 देहरादून के जर्जिए अंग्रेषित दिनांक 22/04/2022 की रिपोर्ट के अनुसार श्री अमरीश कुमार, जो उत्तराखण्ड विधान सभा का साधारण निर्वाचन 2022 के निर्वाचन क्षेत्र 28-भगवानपुर (अ०जा०) से लड़ने वाले अभ्यर्थी हैं, विधि द्वारा यथापेक्षित रीति से अपने निर्वाचन व्यय का कोई भी लेखा दाखिल करने में विफल रहे हैं; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड, और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड की उक्त रिपोर्टों के आधार पर भारत निर्वाचन आयोग द्वारा निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप नियम (5) के अंतर्गत निर्वाचन व्यय प्रस्तुत नहीं करने के लिए श्री अमरीश कुमार, को कारण बताओ नोटिस सं. 76/उत्तराखण्ड-वि.स./28/2022/सी ई.एम.एस -III, दिनांक 20 अक्टूबर, 2022 जारी किया गया था; और

यतः, निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप-नियम (6) के अनुसार, दिनांक 20 अक्टूबर, 2022 के उपर्युक्त कारण बताओ नोटिस के जरिए श्री अमरीश कुमार, को निदेश दिया गया था कि वे इस नोटिस के प्राप्त होने के 20 दिनों के अंदर लेखा न प्रस्तुत कर पाने के कारणों को स्पष्ट करते हुए लिखित रूप में अपना अभ्यावेदन प्रस्तुत करें और साथ ही, निर्वाचन व्यय का अपना लेखा दाखिल करें, और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी के पत्र सं0 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर आयोग की सूचना दी गई कि उक्त नोटिस अभ्यर्थी के द्वारा दिनांक 03.11.2022 को प्राप्त किया गया था; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी पत्र सं0 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर भेजी गई अनुपूरक रिपोर्ट दिनांक 11.04.2023 में यह बताया गया है कि श्री अमरीश कुमार, ने न तो कोई भी अभ्यावेदन और न ही अपने निर्वाचन व्यय का लेखा दाखिल किया है। इसके अतिरिक्त उन्होंने भारत निर्वाचन आयोग का सम्यक् नोटिस मिलने के उपरांत भी उक्त विफलता के लिए न तो कोई कारण बताया है और न ही कोई स्पष्टीकरण दिया है; और,

यतः, आयोग का यह समाधान हो गया है कि श्री अमरीश कुमार, निर्वाचन खर्चों का लेखा दाखिल करने में विफल रहे हैं और उनके पास इस विफलता के लिए कोई भी उचित कारण अथवा औचित्य नहीं है; और

यतः, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क में अनुबध्दित किया गया है कि:-

“यदि निर्वाचन आयोग का समाधान हो जाता है कि कोई व्यक्ति -

- (क) निर्वाचन व्ययों का लेखा उस समय के भीतर और उस रीति में जैसी इस अधिनियम के द्वारा या अधीन अपेक्षित है, दाखिल करने में असफल रहा है; तथा

(ब) उस असफलता के लिए कोई अच्छा कारण या न्यायोचित्य नहीं रखता है, तो निर्वाचन आयोग शासकीय राजपत्र में प्रकाशित आदेश द्वारा उसको निरहिंत घोषित करेगा और ऐसा व्यक्ति उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिंत होगा।

अतः, अब लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अनुसरण में भारत निर्वाचन आयोग एतद्वारा घोषणा करता है कि उत्तराखण्ड राज्य के 28-भगवानपुर (ब0बा0) विधान सभा निर्वाचन क्षेत्र से उत्तराखण्ड राज्य में विधान सभा के साधारण निर्वाचन, 2022 में निर्वाचन लड़ने वाले अभ्यर्थी श्री अमरीश कुमार, निवासी सिकन्दरपुर बसवाला तहसील- भगवानपुर, जिला- हरिद्वार को इस आदेश की तारीख से तीन वर्ष की अवधि के लिए संसद के किसी भी सदन अथवा राज्य अथवा संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद का सदस्य चुने जाने अथवा होने के लिए निरहिंत है।

बिनोद कुमार,
सचिव,
भारत निर्वाचन आयोग।
आज्ञा से,
मस्तू दास,
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

ORDER

August 11, 2023

No. 76/Uttarakhand-LA/28/2022/CEMS-III--WHEREAS, the General Election to 28-Bhagwanpur (SC) Legislative Assembly of Uttarakhand 2022 was held vide Notification No. 484/Uttarakhand-LA/2022 dated 21st January, 2022

WHEREAS as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election has to, within 30 days from the date of election of the returned candidate lodge a true copy of the account of his election expenses with the District Election Officer; and,

WHEREAS, the result of the said election along with 28- Bhagwanpur (SC) Assembly Constituency was declared by the concerned Returning Officer on 10th March, 2022. Hence, the last date for lodging the account of Election Expenses was 09th April, 2022, and,

WHEREAS, as per the report submitted by the District Election Officer, Haridwar, Uttarakhand and forwarded by the Chief Electoral Officer, Uttarakhand vide their letter No. 2782/XXV-53/2022, dated 22nd April, 2021 Sh. Amrish Kumar, a contesting candidate of Uttarakhand from 28- Bhagwanpur (SC) Assembly Constituency of Uttarakhand, has failed to lodge account of his election expenses in the manner, as required under law; and,

WHEREAS, on the basis of the reports of the District Election Officer Haridwar, Uttarakhand and the Chief Electoral Officer, Uttarakhand, a Show-Cause notice, 76/Uttarakhand -LA/2022/28/CEMS-III dated 20.10.2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to Sh. Amrish Kumar, for not lodging the account of Election Expenses; and,

WHEREAS, As per the sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, through the above said Show-Cause Notice dated 20.10.2022, Sh. Amrish Kumar, was directed to submit his representation in writing with explaining the reasons for not lodging the account and to lodge account of election expenses within 20 days from the date of receipt of the notice; and,

WHEREAS, the said notice was received by the candidate on 03.11.2022. The acknowledgment receipt has been submitted to the Commission by the District Election Officer Haridwar, vide its letter No 347/29-40-(निर्वाच्य-लेखा)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer, Uttarakhand, letter no.891/XXV-22(II)/2008 dated 15.06.2023; and,

WHEREAS, the District Election Officer, Haridwar, in his Supplementary Report dated 11.04.2023 vide its letter No. 347/29-40-(निर्वाच्य-लेखा)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer, Uttarakhand, letter no. 891/XXV-22(II)/2008 dated 15.06.2023 has reported that Sh. Amrish Kumar has neither submitted any representation nor any statement of account of election expenses. Further, after receipt of the due notice of the Election Commission of India, he has furnished neither any reason nor explanation for the said failure, and,

WHEREAS, the Commission is satisfied that Sh. Amrish Kumar, has failed to lodge the account of election expenses and has no good reason or justification for the failure

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that

"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
 - (b) has no good reason or justification for the failure,
- the Election Commission shall, by order published in the Official Gazette declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order";

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Sh. Amrish Kumar resident of Sikandarpur Bhainswal Tehsil- Bhagwanpur, District- Haridwar, a contesting candidate from 28- Bhagwanpur (SC) Assembly Constituency of the State of Uttarakhand in the General Election to the Legislative Assembly 2022 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order

BINOD KUMAR,

Secretary,

Election Commission of India.

By Order

MASTU DAS,

Assistant Chief Electoral Officer,

Uttarakhand.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

आदेश

14 अगस्त, 2023 ई०

सं 78/उत्तराखण्ड-वि.स./26/2022/सी ई एम एस.-II.-यत उत्तराखण्ड राज्य की 28-बी.एच.ई.एल. रानीपुर विधान सभा क्षेत्र के साधारण निर्वाचन 2022 अधिसूचना न 464/उत्तरा0-वि०स०/2022 दिनांक 21.01.2022 के जरिए की गई थी

यतःलोक प्रतिनिधित्व अधिनियम, 1951 की धारा 78 के अनुसार, निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को, निर्वाचित अभ्यर्थी के निर्वाचन की तारीख से 30 दिनों के भीतर निर्वाचन व्यय के अपने लेखे की सही प्रति जिला निर्वाचन अधिकारी को दाखिल करनी होती है और

यत 28-बी.एच.ई.एल. रानीपुर विधान सभा निर्वाचन क्षेत्र के रिटर्निंग अधिकारी द्वारा उक्त निर्वाचन का परिणाम 10 मार्च, 2022 को घोषित किया गया था इस प्रकार, निर्वाचन व्यय का लेखा दाखिल करने की अन्तिम तारीख 09 अप्रैल, 2022 थी; और

यत, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड के द्वारा प्रस्तुत और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड द्वारा पत्र सं. 2782/XXV 53/2022 देहरादून के जरिए अघोषित दिनांक 22/04/2022 की रिपोर्ट के अनुसार श्री अजय कुमार, जो उत्तराखण्ड विधान सभा का साधारण निर्वाचन 2022 के निर्वाचन क्षेत्र 28-बी.एच.ई.एल. रानीपुर से लड़ने वाले अभ्यर्थी हैं, विधि द्वारा यथापेक्षित रीति से अपने निर्वाचन व्यय का कोई भी लेखा दाखिल करने में विफल रहे हैं; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड, और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड की उक्त रिपोर्टों के आधार पर भारत निर्वाचन आयोग द्वारा निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप नियम (5) के अंतर्गत निर्वाचन व्यय प्रस्तुत नहीं करने के लिए श्री अजय कुमार, को कारण बताओ नोटिस सं. 76/उत्तराखण्ड वि.स./26/2022/सी ई एम एस -III, दिनांक 20 अक्टूबर, 2022 जारी किया गया था; और

यतः, निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप-नियम (6) के अनुसार, दिनांक 20 अक्टूबर, 2022 के उपर्युक्त कारण बताओ नोटिस के जरिए श्री अजय कुमार, को निदेश दिया गया था कि वे इस नोटिस के प्राप्त होने के 20 दिनों के अंदर लेखा न प्रस्तुत कर पाने के कारणों को स्पष्ट करते हुए लिखित रूप में अपना अभ्यावेदन प्रस्तुत करें और साथ ही, निर्वाचन व्यय का अपना लेखा दाखिल करें; और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी के पत्र सं० 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर आयोग को सूचना दी गई कि उक्त नोटिस अभ्यर्थी की पत्नी श्रीमती रिधा चौहान, द्वारा दिनांक 03.11.2022 को प्राप्त किया गया था; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी पत्र सं० 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर भेजी गई अनुपूरक रिपोर्ट दिनांक 11.04.2023 में यह बताया गया है कि श्री अजय कुमार, ने न तो कोई भी अभ्यावेदन और न ही अपने निर्वाचन व्यय का लेखा दाखिल किया है। इसके अतिरिक्त उन्होंने भारत निर्वाचन आयोग का सम्यक् नोटिस मिलने के उपरांत भी उक्त विफलता के लिए न तो कोई कारण बताया है और न ही कोई स्पष्टीकरण दिया है; और,

यतः, आयोग का यह समाधान हो गया है कि श्री अजय कुमार, निर्वाचन खर्चों का लेखा दाखिल करने में विफल रहे हैं और उनके पास इस विफलता के लिए कोई भी उचित कारण अथवा औचित्य नहीं है; और

यतः, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क में अनुबंधित किया गया है कि:-

"यदि निर्वाचन आयोग का समाधान हो जाता है कि कोई व्यक्ति -

- (क) निर्वाचन व्ययों का लेखा उस समय के भीतर और उस रीति में जैसी इस अधिनियम के द्वारा या अधीन अपेक्षित है, दाखिल करने में असफल रहा है; तथा
- (ख) उस असफलता के लिए कोई अच्छा कारण या न्यायोचित्य नहीं रखता है, तो निर्वाचन आयोग शासकीय राजपत्र में प्रकाशित आदेश द्वारा उसको निरहित घोषित करेगा और ऐसा व्यक्ति उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित होगा;

अतः, अब लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अनुसरण में भारत निर्वाचन आयोग एतद्वारा घोषणा करता है कि उत्तराखण्ड राज्य के 26-बी.एच.ई.एल. रानीपुर विधान सभा निर्वाचन क्षेत्र से उत्तराखण्ड राज्य में विधान सभा के साधारण निर्वाचन, 2022 में निर्वाचन लड़ने वाले अभ्यर्थी श्री अजय कुमार, ग्राम- रावली महदूद, पोस्ट- बहादुराबाद, तहसील और जिला- हरिद्वार को इस आदेश की तारीख से तीन वर्ष की अवधि के लिए संसद के किसी भी सदन अथवा राज्य अथवा संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् का सदस्य चुने जाने अथवा होने के लिए निरहित है।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan Ashoka Road New Delhi-110001

ORDER

August 14, 2023

No. 76/Uttarakhand-LA/26/2022/CEMS-III--WHEREAS, the General Election to 26-B.H.E.L Ranipur Legislative Assembly of Uttarakhand 2022 was held vide Notification No. 464/Uttarakhand-LA/2022 dated 21st January, 2022

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election has to, within 30 days from the date of election of the returned candidate lodge a true copy of the account of his election expenses with the District Election Officer; and,

WHEREAS, the result of the said election along with 26-B.H.E.L Ranipur Assembly Constituency was declared by the concerned Returning Officer on 10th March 2022. Hence the last date for lodging the account of Election Expenses was 09th April, 2022; and,

WHEREAS, as per the report submitted by the District Election Officer, Haridwar, Uttarakhand and forwarded by the Chief Electoral Officer, Uttarakhand vide their letter No. 2782/XXV-53/2022, dated 22nd April, 2021, Sh. Ajay Kumar, a contesting candidate of Uttarakhand from 26-B.H.E.L Ranipur Assembly Constituency of Uttarakhand, has failed to lodge account of his election expenses, in the manner, as required under law and

WHEREAS, on the basis of the reports of the District Election Officer Haridwar, Uttarakhand and the Chief Electoral Officer, Uttarakhand, a Show-Cause notice 76/Uttarakhand -LA/2022/26/CEMS-III dated 20.10.2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules 1961 by the Election Commission of India to Sh. Ajay Kumar, for not lodging the account of Election Expenses and,

WHEREAS, As per the sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, through the above said Show-Cause Notice, dated 20.10.2022 Sh. Ajay Kumar, was directed to submit his representation in writing with explaining the reasons for not lodging the account and to lodge account of election expenses within 20 days from the date of receipt of the notice; and,

WHEREAS, the said notice was received by the candidate's wife Smt. Richa Chauhan on 03.11.2022. The acknowledgment receipt has been submitted to the Commission by the District Election Officer, Haridwar, vide its letter No.347/29-40-(निर्वाचन व्यवस्थापक)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer Uttarakhand, letter vide no.881/XXV-22(II)/2008 dated 15.06.2023, and,

WHEREAS, the District Election Officer, Haridwar in his Supplementary Report dated 11.04.2023 vide its letter No. 347/29-40-(निर्वाचन व्यय लेखा)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer Uttarakhand, letter no. 891/XXV-22(II)/2008 dated 15.06.2023 has reported that Sh. Ajay Kumar has neither submitted any representation nor any statement of account of election expenses. Further, after receipt of the due notice of the Election Commission of India, he has furnished neither any reason nor explanation for the said failure; and,

WHEREAS, the Commission is satisfied that Sh. Ajay Kumar, has failed to lodge the account of election expenses and has no good reason or justification for the failure,

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that:-

"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order".

NOW THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Sh. Ajay Kumar resident of Village- Rawail Mehdood Post- Bahadradabad, Tehsil & District- Haridwar, a contesting candidate from 26-B.H.E.L Ranipur Assembly Constituency of the State of Uttarakhand in the General Election to the Legislative Assembly 2022 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order

आदेश

14 अगस्त, 2023 ई०

स 76/उत्तराखण्ड-वि.स./28/2022/सी.ई.एम.एस.-II-यतः, उत्तराखण्ड राज्य की 26-बी.एच.ई.एल. रानीपुर विधान सभा क्षेत्र के साधारण निर्वाचन 2022 अधिसूचना नं. 464/उत्तरा०-वि०स०/2022 दिनांक 21.01.2022 के जरिए की गई थी।

यतः लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 78 के अनुसार, निर्वाचन लड़ने वाले प्रत्येक अभ्यर्थी को, निर्वाचित अभ्यर्थी के निर्वाचन की तारीख से 30 दिनों के भीतर निर्वाचन व्यय के अपने लेखे की सही प्रति जिला निर्वाचन अधिकारी को दाखिल करनी होती है; और

यतः 26-बी.एच.ई.एल. रानीपुर विधान सभा निर्वाचन क्षेत्र के रिटर्निंग अधिकारी द्वारा उक्त निर्वाचन का परिणाम 10 मार्च, 2022 को घोषित किया गया था। इस प्रकार, निर्वाचन व्यय का लेखा दाखिल करने की अन्तिम तारीख 08 अप्रैल, 2022 थी; और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड के द्वारा प्रस्तुत और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड द्वारा पत्र सं. 2782/XXV-53/2022 देहरादून के जरिए अग्रेषित दिनांक 22/04/2022 की रिपोर्ट के अनुसार श्री ईशान्त कुमार, जो उत्तराखण्ड विधान सभा का साधारण निर्वाचन 2022 के निर्वाचन क्षेत्र 26-बी.एच.ई.एल. रानीपुर से लड़ने वाले अभ्यर्थी हैं, विधि द्वारा यथापेक्षित रीति से अपने निर्वाचन व्यय का कोई भी लेखा दाखिल करने में विफल रहे हैं; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार, उत्तराखण्ड, और मुख्य निर्वाचन अधिकारी, उत्तराखण्ड की उक्त रिपोर्टों के आधार पर भारत निर्वाचन आयोग द्वारा निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप नियम (5) के अंतर्गत निर्वाचन व्यय प्रस्तुत नहीं करने के लिए श्री ईशान्त कुमार, को कारण बताओ नोटिस सं. 76/उत्तराखण्ड-वि.स./26/2022/सी.ई.एम.एस.-III, दिनांक 20 अक्टूबर, 2022 जारी किया गया था; और

यतः, निर्वाचनों का संचालन नियम 1961 के नियम 89 के उप-नियम (6) के अनुसार, दिनांक 20 अक्टूबर, 2022 के उपर्युक्त कारण बताओ नोटिस के जरिए श्री ईशान्त कुमार, को निदेश दिया गया था कि वे इस नोटिस के प्राप्त होने के 20 दिनों के अंदर लेखा न प्रस्तुत कर पाने के कारणों को स्पष्ट करते हुए लिखित रूप में अपना अभ्यावेदन प्रस्तुत करें और साथ ही, निर्वाचन व्यय का अपना लेखा दाखिल करें; और

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी के पत्र सं0 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर आयोग को सूचना दी गई कि उक्त नोटिस अभ्यर्थी की माताजी श्रीमती नीलम, द्वारा दिनांक 03.11.2022 को प्राप्त किया गया था; और,

यतः, जिला निर्वाचन अधिकारी, हरिद्वार द्वारा अपने पत्र संख्या 347/29-40-(निर्वाचन व्यय लेखा)/2022 दिनांक 12.04.2023 जो मुख्य निर्वाचन अधिकारी पत्र सं0 891/XXV-22(II)/2008 दिनांक 15.06.2023 के द्वारा अग्रेषित कर भेजी गई अनुपूरक रिपोर्ट दिनांक 11.04.2023 में यह बताया गया है कि श्री ईशान्त कुमार, ने न तो कोई भी अभ्यावेदन और न ही अपने निर्वाचन व्यय का लेखा दाखिल किया है। इसके अतिरिक्त उन्होंने भारत निर्वाचन आयोग का सम्यक् नोटिस मिलने के उपरांत भी उक्त विफलता के लिए न तो कोई कारण बताया है और न ही कोई स्पष्टीकरण दिया है; और,

यतः, आयोग का यह समाधान हो गया है कि श्री ईशान्त कुमार, निर्वाचन खर्चों का लेखा दाखिल करने में विफल रहे हैं और उनके पास इस विफलता के लिए कोई भी उचित कारण अथवा औचित्य नहीं है; और

यतः, लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क में अनुबंधित किया गया है कि:-

"यदि निर्वाचन आयोग का समाधान हो जाता है कि कोई व्यक्ति -

- (क) निर्वाचन व्ययों का लेखा उस समय के भीतर और उस रीति में जैसी इस अधिनियम के द्वारा या अधीन अपेक्षित है, दाखिल करने में असफल रहा है; तथा
- (ख) उस असफलता के लिए कोई अच्छा कारण या न्यायोचित्य नहीं रखता है, तो निर्वाचन आयोग शासकीय राजपत्र में प्रकाशित आदेश द्वारा उसको निरहिंत घोषित करेगा और ऐसा व्यक्ति उस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिंत होगा;

अतः, अब लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अनुसरण में भारत निर्वाचन आयोग एतद्वारा घोषणा करता है कि उत्तराखण्ड राज्य के 26-बी.एच.ई.एल, रानीपुर विधान सभा निर्वाचन क्षेत्र से उत्तराखण्ड राज्य में विधान सभा के साधारण निर्वाचन, 2022 में निर्वाचन लड़ने वाले अभ्यर्थी श्री ईशान्त कुमार, ब्रह्मापुरी, रावली महदूद, पोस्ट- बहादुराबाद, थाना- रानीपुर, को इस आदेश की तारीख से तीन वर्ष की अवधि के लिए संसद के किसी भी सदन अथवा राज्य अथवा संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् का सदस्य चुने जाने अथवा होने के लिए निरहित है।

बिनोद कुमार,
सचिव,
भारत निर्वाचन आयोग।
आज्ञा से,
मस्तू दास,
सहायक मुख्य निर्वाचन अधिकारी,
उत्तराखण्ड।

ORDER

August 14, 2023

No. 76/Uttarakhand-LA/26/2022/CEMS-III--WHEREAS, the General Election to 26-B.H.E.L Ranipur Legislative Assembly of Uttarakhand, 2022 was held vide Notification No. 464/Uttarakhand-LA/2022 dated 21st January, 2022

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election has to, within 30 days from the date of election of the returned candidate, lodge a true copy of the account of his election expenses with the District Election Officer; and,

WHEREAS, the result of the said election along with 26-B.H.E.L Ranipur Assembly Constituency was declared by the concerned Returning Officer on 10th March, 2022. Hence, the last date for lodging the account of Election Expenses was 09th April, 2022; and,

WHEREAS, as per the report submitted by the District Election Officer, Haridwar, Uttarakhand and forwarded by the Chief Electoral Officer, Uttarakhand vide their letter No. 2782/XXV-53/2022, dated 22th April, 2021, Sh. Ishant Kumar, a contesting candidate of Uttarakhand from 26-B.H.E.L Ranipur Assembly Constituency of Uttarakhand, has failed to lodge account of his election expenses, in the manner, as required under law; and,

WHEREAS, on the basis of the reports of the District Election Officer Haridwar, Uttarakhand and the Chief Electoral Officer, Uttarakhand, a Show-Cause notice, 76/Uttarakhand -LA/2022/26/CEMS-III dated 20.10.2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to Sh. Ishant Kumar, for not lodging the account of Election Expenses; and,

WHEREAS, As per the sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, through the above said Show-Cause Notice, dated 20.10.2022, Sh. Ishant Kumar, was directed to submit his representation in writing with explaining the reasons for not lodging the account and to lodge account of election expenses within 20 days from the date of receipt of the notice; and,

WHEREAS, the said notice was received by the candidate's mother Smt. Neelam on 03.11.2022. The acknowledgment receipt has been submitted to the Commission by the District Election Officer, Haridwar, vide its letter No.347/29-40-(निर्वाह व्यय लेखा)/2022 dated 12.04.2023; forwarded by Chief Electoral Officer, Uttarakhand, vide letter no.891/XXV-22(II)/2008 dated 15.06.2023; and,

WHEREAS, the District Election Officer, Haridwar, in his Supplementary Report dated 11.04.2023 vide its letter No. 347/29-40-(निर्वाह व्यय लेखा)/2022 dated 12.04.2023 forwarded by Chief Electoral Officer, Uttarakhand, letter no. 891/XXV-22(II)/2008 dated 15.06.2023 has reported that Sh. Ishant Kumar has neither submitted any representation nor any statement of account of election expenses. Further, after receipt of the due notice of the Election Commission of India, he has furnished neither any reason nor explanation for the said failure; and,

WHEREAS, the Commission is satisfied that Sh. Ishant Kumar, has failed to lodge the account of election expenses and has no good reason or justification for the failure,

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that:-

"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order";

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Sh. Ishant Kumar resident of Village- Brahmpuri, Rawali Mehdood, Post- Bahadrabad. Thana- Ranipur, a contesting candidate from 26- B.H.E.L Ranipur Assembly Constituency of the State of Uttarakhand in the General Election to the Legislative Assembly 2022 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

BINOD KUMAR,

*Secretary,
Election Commission of India.*

By Order,

MASTU DAS,

*Assistant Chief Electoral Officer,
Uttarakhand.*